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RECORDS
OF THE
COLONY OF RHODE ISLAND,
AND
PROVIDENCE PLANTATIONS,
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY.

EDITED BY
JOHN RUSSELL BARTLETT,
SECRETARY OF STATE.

VOL. III.

1678 TO 1706.

PROVIDENCE:
KNOWLES, ANTHONY & CO., STATE PRINTERS.
1858.



REMARKS.

THE Third Volume of the Colonial Records of Rhode Island commences with the proceedings of the April session of the General Assembly, in the year 1678, and ends with the October session of that body, in the year 1706 ; thereby including twenty-nine years of the Colonial Annals.

The events of this period are among the most important in our Colonial History. They include first, a discussion of the several claims for the ownership of Mount Hope and the Narragansett Country ; the latter, from royal grants, the limits of which had never been defined. The Duke of Hamilton, the Earl of Arran, Major Atherton, Governor Winthrop, of Connecticut and his associates, with others, claimed large portions of this country. Connected with these, is the official Report of the Narragansett Commissioners, who were appointed by Charles the Second, to inquire into the respective claims and

titles of individuals, as well as Corporations, to the jurisdiction of that country, known also as the King's Province.

Next follow the complaints to the King against the Colony, by Edward Randolph, with articles of misdemeanor; in consequence of which, writs of quo warranto were issued by the King against the colonies of Rhode Island and Connecticut, the latter of which was also the subject of complaint. The documents connected with these transactions, including the orders in Council, and the addresses from the Colony, elucidate much in the annals, which would otherwise be obscure. The proceedings of Joseph Dudley, Governor of the New England Colonies and President of the Council, close this portion of our history.

The subversion of the Charter government, and the administration of Sir Edmund Andros, render the year 1686 an important era in our Colonial history. The Colony was now merged into the government of New England, under that Royal Governor, and degenerated into a mere county. No meetings of the General Assembly took place under his government, and the only records that in any way show what was done in the Colony during this period, are those of the Courts of Quarter Sessions. These, though meagre, have been introduced into this volume as a link in the chain of our annals. Further to elucidate this portion of our history, the commission of, and instructions to, Sir Edmund Andros, from James the Second, with a variety of letters, addresses, etc., have been introduced. The particulars connected with the arrest and imprisonment of Andros in Boston, and the first revolution in New England that followed the accession of William and Mary to the English throne in 1689, complete the history of his administration of the American colonies. No

records of the official proceedings of the Council of Sir Edmund Andros are known to exist. It appears that they were forwarded to England, during the administration of Sir Edmund, but they are not now to be found in the English State Paper Office.

The valuable documents so important to fill up this chasm in our annals, are taken from the collection of papers in the possession of our townsman, John Carter Brown, Esq., for whom they were copied from the originals in Her Majesty's State Paper Office, London; from the "Usurpation Papers," or documents relating to the administration of Sir Edmund Andros, in the "Collections of the Massachusetts Historical Society;" and from the "Documents relating to the Colonial History of New York," recently printed by that State.

The Colonial Records, beginning with the assumption of the Charter in February, 1690, after the fall of Andros, are now followed to the year 1706, where the volume ends. It is to be regretted, however, that the proceedings of certain sessions are wanting in 1691-93, '94 and '95, and are not known to exist among the State Records, or among the archives of any towns in the State. Our little Colony continued to suffer greatly from without; and it is probable that among the constant calls from the Home government for the proceedings and public acts of the Colony, that the original records now missing, were sent to England.

This opinion is strengthened from the fact, that after the printing of this volume had proceeded to the year 1695, there was found among the manuscript volumes in Mr. Brown's collection, copies of the entire proceedings of the General Assembly of Rhode Island, for the sessions of May and June,

1691; two sessions, in the proceedings of which, the State was deficient; thus filling an important hiatus in its records. As these could not be inserted in their proper place, they have been added at the end of the volume, preceding the index. From the endorsement on these papers, it appears that they were transmitted to England by the Earl of Bellomont, who was sent to Rhode Island, under a commission from the King, to inquire into certain "irregularities."

The next serious troubles which the Colony had to contend with, was in consequence of "Representations to William and Mary about irregularities in the government." This led to the appointment of a commission of inquiry under the Earl of Bellomont. The full instructions to this nobleman, with the queries he was directed to put to the Governor and others in authority; the various letters of the Board of Trade to and from the Governor, in relation to this matter; the Report of the Earl of Bellomont on the irregularities charged against Rhode Island; the Journal of the Earl's proceedings in the execution of his Majesty's Royal Commission, when he visited Newport; with a number of letters, to and from the prominent men of that day, appear at length in this volume. These important papers, so indispensable to the elucidation of our history, are almost entirely taken from Mr. Brown's magnificent collection of manuscripts, generously placed by him at the disposal of the editor. Some other papers have been kindly furnished by the Secretaries of State of New York and Connecticut, from their public archives.

The concluding documents in the volume appertain to the history of the privateers and pirates, which infested our waters,

among which the notorious Captain Kidd appears. The facilities with which privateers' commissions were obtained of the authorities led to serious complaints, and involved the Colony in many difficulties. For the papers illustrative of these, which are inserted where the events are referred to in the legislative proceedings, the editor is also indebted to Mr. Brown.

PROVIDENCE, May, 1858.

J. R. B.

RHODE ISLAND RECORDS.

RHODE ISLAND RECORDS.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 30th day of April, 1678.

Mr. Benedict Arnold, Governor.

Major John Cranston, Deputy Governor.

ASSISTANTS.

Mr. James Barker,
Capt'n Peleg Sanford,
Mr. Joseph Clarke,
Mr. John Whipple, Jun'r,
Mr. Stephen Arnold,

Mr. Thomas Olney, Jun'r,
Capt'n Samuel Wilbore,
Capt'n John Albro,
Capt'n John Greene,
Mr. Samuel Gorton,

DEPUTIES.

For Newport.

Mr. Caleb Carr,
Mr. Thomas Ward,
Mr. Edward Richmond,
Mr. John Greene,
Mr. James Barker, Jun'r,
Mr. John Rogers,

For Providence.

Mr. Edward Enman,
Mr. Samuel Bennitt,
Mr. Thomas Arnold,
William Haukins, Jun'r.

For Portsmouth.

Mr. John Sanford,
Mr. Hugh Parsons,

Lieut. William Correy,
Mr. William Wilbore.

For Warwick.

Mr. Walter Todd,
Mr. Thomas Greene,
Mr. Elza Collins,
Mr. John Carder.

For New Shoreham.

Capt'n John Sands.

For East Greenwich.

Seargent Clement Weaver,
Sergeant Thomas Dungen.

The Deputy Governor chosen Moderator.

John Sanford chosen Clerke.

Voted, John Remington, Jun'r, Thomas Coddington, Richard Barnes, Josias Arnold, Henry Timberlake, and Philip Long, all freemen of the towne of Newport, are admitted freemen of this Collony.

Voted, William Coggeshall, Joseph Nicolson, Sen'r, Joshua Coggeshall, Jun'r, Benjamin Hall, Thomas Cornell, Robert Havens, William Wilbore, Jun'r, John Cooke, sonn of Thomas Cooke, Stephen Brayton, Gyles Slocum, Jun'r, and Thomas Brigs, freemen of the towne of Portsmouth, are admitted freemen of this Collony.

Voted, Malachi Roades, Thomas Hopkins, Joseph Stafford, Peter Green, Jonathan Knight, John Houldon, James Carder, Henry Knowles, and Hugh Stone, all freemen of the towne of Warwick, are admitted freemen of this Collony.

Voted, This assembly is dissolved.

*At the Generall Assembly and Election held for the Collony at
Newport, the 1st of May, 1678.*

The above named Magistrates and Deputyes, members of this Assembly.

Voted, That Mr. Samuel Gorton and Mr. Caleb Carr are appointed to receive the votes from each person, and if any votes be brought double, they may open them, and soe deliver but one into the hat from each man.

Voted, Capt'n Peleg Sanford and Mr. Stephen Arnold are appointed to open the proxies.

Voted, John Sanford and Lieut. Edward Richmond are appointed to write the names of those that vote.

By the Election, was chosen the following, who were severally engaged.

GOVERNOR.

Mr. Benedict Arnold, Sen'r.

DEPUTY GOVERNOR.

Major John Cranston.

ASSISTANTS.

Mr. James Barker,
 Capt'n Peleg Sanford,
 Mr. Joseph Clarke,
 Mr. Stephen Arnold,
 Mr. Thomas Olney, Jun'r,
 Mr. John Whipple, Jun'r,
 Capt'n Samuel Wilbore,
 Capt'n John Albro,
 Mr. Samuel Gorton,
 Mr. Thomas Greene.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Thomas Fry.

GENERAL TREASURER.

Capt'n Peleg Sanford.

GENERAL ATTORNEY.

Lieut. Edward Richmond.

SOLICITOR.

Mr. Edmund Calverlye.

MAJOR.

Deputy Governor Cranston.

Voted, That whereas Mr. Benedict Arnold, Sen'r, is by free vote of the people chosen Governor, and he being soe ill that he cannot come to the Assembly, the Deputy Governor, with Mr. James Barker and Capt'n Peleg Sanford, Assistants, and the Recorder, are empowered to goe to him and receive the engagement from the said new elected Governor.

Voted, Whereas in the late unhappy war with the Indians in the year 1676, there appearing great a necessity of calling a Court Martiall in Newport, in his Majesties Collony of Rhode Island and Providence Plantations, the 23d of August, for the then present tryall of a certain number of rebellious and trayterous Indians, prisoners, then in safe custody of prison, which with great care and prudence of his Majesties Justices of this Collony, together with the commissioned officers of the several traine bands, was held in Newport, aforesaid, a Court Martiall for the tryall of the said Indian rebels, and such of them as were found guilty of such crimes as deserved death were by order of the said Court executed. And whereas, all the writings and papers that doe concerne the said Court Martiall, are in the custody of Lieut. Edward Richmond, who was Clerke of the said Court, should have been delivered unto the then Secretary, Mr. Richard Bailey, to record in the Booke of the Generall Councill, which hath not been done, and the said Mr. Richard Bailey being deceased: This Assembly doe order, that

the said papers shall be delivered unto the Generall Recorder, to be recorded in the Booke of the Generall Court of Tryalls. And alsoe the Recorder shall draw out and give unto Major John Cranston, who was president of the said Court Martiall, copys of all the said Court's proceeds, and the charge thereof to be borne by the Collony; and the said copys to be delivered within tenn days after the publication of these orders. Alsoe, that the proceeds of the Court Martiall held the 21st of June, 1677, shall, after the recording of the forementioned acts, be recorded by the Recorder in the said Booke of Tryalls, on publick charge.

Voted, Whereas, his Majestie in his most gracious Pattent hath bountifully been pleased to declare, order and command, that the Generall meetinge or Assembly of this Collony shall consist of the Governor, or Deputy Governor, and six of the Assistants, at least to be seven, with soe many of the freemen which shall be elected by the freemen of the respective townes, according to the Charter, and then present at such Assembly. And not in the least doubtinge his Royall Majesty's reall meaninge and intent therein was, and still is according unto his express words of his Pattent: It is therefore ordered by this Court and the authority thereof, That the Generall Assembly of this Collony shall be the Governor, or in his absence the Deputy Governor, with six of the Assistants, and soe many of the freemen as shall be elected in each respective towne, according to the Charter, or the major part of them then present, who shall have full power and authority to make, constitute and enact such laws, orders and ordanences as to them shall be duly judged to bee for the good and weall of this said Collony and the inhabitants therein, according to the Charter; and to lay such mulcts and rates upon the inhabitants thereof as shall be necessary for the payment of debts or otherwise, for the main- taininge, preserveinge and upholding the Charter, and the great priviledges and libertys therein so graciously granted. Yett it is the real intent and meaning hereof and hereby enacted, that noe rate, tax or mulct shall be layed or imposed upon the inhabitants of this Collony, before that each respective

towne within the same have legall notice by warrant from the Governor, or in his absence or by his permission, the Deputy Governor, that such rate, tax or mulct is to be assessed, that soe the respective townes may accordingly by their representatives give their due attendance ; any law, act, usage or custom to the contrary in any wise heretofore, notwithstanding ; and in particular the law made at the Generall Assembly the 30th of October, 1672.

Voted, That a petition presented by John Spencer, Clement Weaver and Philip Long, is granted by this Assembly ; and they haveing therein desired that men shall be appointed to lay out the lands of East Greenwich, this Assembly doe give power to the petitioners and partners in said Greenwich to appoint one or more to lay out the said towneship, and devide the great devisions, and when said land is survayed and layed out, it is desired that Mr. Samuell Gorton and others of Warwick, and any other place, may be present if they will take the paines, to see that the said land be fairly layd out, soe as not to intrude upon the lawfull rights of any others.

Voted, Upon a petition of Samuell Bennitt, for to be accomodated with an equall right or share of one hundred acres of land in the township of East Greenwich, with the rest of the freemen of said towne, the said land is granted unto the said Samuell Bennitt on the same conditions as it was formerly granted to others the freemen of the said towne ; if any of the said former freemen relinquish their grant, and if it soe shall fall out that he cannot be accomodated there, he is to have the like proportion in the next towneship, of five thousand acres to be layd out.

Voted, Whereas, there is a petition presented to this Assembly relating to the securing the estate of bankrupts, to the end it might be equally distributed to pay all just debts due out of the same, according to proportion, and that the estate of bankrupts may not be privately concealed, or fraudulently impropriated to wrong, abuse and injure the true creditors of such bankrupts' estates, contrary unto the statutes of Queen Elizabeth and King James in such cases made and provided.

The Court haveing taken the matter into their searious consideration, and that a due, just and legall proceed might be administered according to the reall intent and meaninge of the statutes above recited, doe by the power and authority of this Court, enact and declare, that five juditious and understanding men shall be elected and chosen Commissioners, and have hereby the whole and sole power of Commissioners of Bankrupts conferred unto them as fully to all intents and purposes, as is expressed in the aforesaid statutes; and that they, or the more part of them, have full power and authority to make an equall distribution of such bankrupts' estates. That is to say, to every of said creditors a proportion rate, and rate like according to the quantity of his or their debts; and that such Commissioners and the more part of them, are hereby empowered to meet together, to consult, agree and determine the equall distribution as aforesaid, from time to time, untill such time as they have fully perfected the same; as alsoe to constitute and depute such officer or officers as to them shall be found requisite and needfull for the mannageinge and full carrying on the power and authority of the Commissioners or more part of them, by the due execution of the orders, judgments, rules, directions and sentences as from time to time they shall receive.

And further, it is hereby ordered, That the said Commissioners or the major part of them, shall sett forth proclamation according to the aforesaid statutes, that such creditor may thereby have notice to appeare and make forth what they can demand from the estate of such bankrupt. The persons elected and chosen the Commissioners of Bankrupts, are Major John Cranston, Capt'n Peleg Sanford, Mr. John Coggeshall, John Sanford, and Lieut. Edward Richmond, whoe shall upon their solemn oath sweare to doe equall justice to each person concerned, before they proceed to act in or concerninge the premises abovesaid. And ordered, that a cobby of this act under the seale of the Collony, with the Recorder's hand, shall bee their suffitient commission to perform the premises.

Voted, Whereas there is presented to this Court a petition

by John Foanes, Henry Tibbitts, and others therein concerned, and named, relatinge to purchase of land by them made in the Narragansett country, as appeareth more at large by a deed of sale of the same, bearing date the 1st of January, 1671-2, in which said petition the petitioners desire a ratification of their said purchase. Butt findinge that part of the land by them claimed according to their purchase doe intrench upon some part of those lands already granted by the authority of this Collony to the towneship of East Greenwich, wee doe therefore order and appoint, that the towneship of said East Greenwich shall be first layd out with all the lands thereto belonging, as is already granted, and then what lands shall remaine within the purchase of the petitioners according to their deed, dated as aforesaid: soe that noe part thereof may intrench nor interfere upon any part of the former grant or grants granted to the people of the towneship of East Greenwich, aforesaid, nor upon any other good and lawfull grants or purchase already made, or procured in the said Narragansett country. And what quantity of land shall otherwise remaine, and be within the purchase of the said petitioners as aforesaid, wee doe grant to the said petitioners and their partners all to the number of twenty-four two thirds parts thereof, with all commoditys and conveniences to the same belonging, to them, their heirs and assignes forever; and one-third part of the land that shall be soe remaininge within the said purchase shall belong to the proper use and benefitt of this Collony, to be disposed of as they shall see cause.

Voted, This Assembly haveing taken into consideration that the office of a Major is of principal concernment with respect to the regulating of the millitia, and whereas, there is an act made October 31, 1677, seeming to referr the choyce of a Major as aforesaid, wholly unto such as beare armes, soe that many of the antient freemen of this Collony may thereby be debarred of their priviledge in voteinge to a matter of such great consequence: therefore, this Assembly hath ordered and doe hereby declare, that henceforward every freeman in this Collony shall have free liberty to vote, provided they personally

appeare in the choyce of a Major, together with the Traine Company at the time of election or choyce of such an officer as it is hereotfore prefixed and concluded, any former act or clause in any law to the contrary notwithstanding.

Voted, whereas, complaints are made to this Assembly of the disobedience of some of the souldiers of the Traine Bands, in the refuseing to obey the commands of their superior officers and commanders, this Assembly doe referr the tryall and punishment of such offenders to the Major, together with the major part of the Captains and commissioned officers of the several Traine Bands of Rhode Island; as alsoe in all other matters of that nature, properly belonging to them.

Voted, This Assembly is adjourned untill the 12th day of June next, and then to assemble againe at the house of Mr. Henry Palmer, in Newport.

June the 12th, 1678.

According to the aforesaid adjournment, the Assembly called and satt.

Voted, Upon a petition presented to this Assembly, by Col- lonell William Crowne, how he may proceed to recover what is his due from the estate of the deceased Mr. John Paine, of Prudence, who deceased intestate. Upon long debate of that matter, and considering the laws made in such cases, this Assembly, as their judgments in way of answer, doe declare they conceive it belongs to the Councill in any towne to be responsible for not doing their duty in all such cases, that relates to intestates, according to law.

Voted, Upon a petition presented by Edward Greenman to this Assembly, the matter therein contained haveing reference to, or being grounded upon a petition formerly presented to this Assembly, signed by the Honored Governor Arnold, Francis Brinley, William Hedge, and Jahleel Brenton, concerning the estate of George Browne, and that there may be Commissioners appointed to order the estate of the said George Browne, as a bankrupt. This Assembly had much serious debates, and peruseinge and consideration of the laws in that case provided.

have and doe see cause to declare, that wee cannot find grounds by the laws of England, to proceed with the said Browne's estate as with the estate of a bankrupt. And in serious consideration of the premises aforesaid, doe therefore ordaine, enact and declare, that the former order made by this Assembly, May the 3d, 1678, concerninge the nominating, empowering and commissionatinge certaine gentlemen to be Commissioners of Bankrupts, shall be, and is hereby repealed, made null and voyd, to all intents and purposes, as if the said order had not been made, any thing therein contained to the contrary hereof notwithstanding.

Voted, Upon a petition presented to this Assembly by Rachill Andress, for a divorce from her husband Richard Andress, who for several years hath been absent from this Collony, and not heard of where he is; and probation made to this Assembly that he, the said Andress had a wife in old England, the Assembly doe see just cause to order, and doe grant a full release and divorce to the said Rachill from her aforesaid husband, Andress.

Voted, Whereas, there is a petition presented unto this present Assembly, by the inhabitants of the towne of Warwick, and also another petition from Mr. John Foanes and Mr. Edward Thurston, for themselves and partners; in both which the petitioners doe complaine that the men of East Greenwich in layinge out of the land to them granted, have very much intrenched upon the lands claimed by the petitioners, contrary to the true intent of the grant, which is like to raise and occasion great strife and contention, if not speedily prevented. This Court haveing taken searious consideration of the matter, and being very desirous to maintain the peace and tranquility with and amongst the inhabitants of this Collony, and incourage the inhabitinge of the Narragansett lands, in a lawfull, orderly way and manner: doe order and enact and it is hereby ordered and enacted by this Court, &c., That two honest and just persons, skilfull in the arte of survaying lands, be elected and chosen survayers to lay out the land granted, unto the inhabitants of East Greenwich, accordinge to their grant; and the reall intent

thereof, as also to run Warwick southerly line according to their grant; and to draw a draught of the lands claimed by the men of Warwick about Potowomett; and alsoe of the lands claimed by John Foanes, Edward Thurston, and partners, with all other lands that the Court shall advise them to survey within this Collony, and true draughts thereof returne unto the Assembly.

It is ordered by this Court and the authority thereof, That all persons whatsoever, that layeth any claime unto any lands in the Narragansett, Coesett, &c., by purchase or otherwise, from the natives, are to bring in their severall deeds of sale, gift or other instruments by which they claim their title, unto the Generall Assembly, there to be confirmed or disallowed of, that soe the lands now lyeth as waste and unimproved, may be settled in a peaceable, orderly way and manner, by the order of the Generall Assembly, and not to be entered upon by any person or persons whatsoever, untill further order given from this Assembly.

And voted, That Capt'n Peleg Sanford, and Mr. Benjamin Speere are chosen and empowered by this Assembly to be surveyers of the lands in the Narragansett, &c., by this Assembly afore-appointed to be surveyed; and that the charges and satisfaction to the said surveyers and help therein shall be borne and paid by the Collony.

And further ordered, That the Deputy Governor, Mr. James Barker, Assistant, Capt'n Samuell Wilbore and Capt'n John Albro, Assistants, Mr. Caleb Carr, and Mr. Thomas Ward, are empowered by this Assembly to agree with the said surveyers for what they shall have for their service, and the time when, and what they doe therein shall be as authentick, as if done by this Assembly.

Voted, Whereas, there was very lately in the towne of Newport, on Rhode Island, very great hurt done to a small childe, by reason of exceeding fast and hard ridinge of horses in said towne, this Assembly takeing the aforesaid matter into their searious consideration, and being desirons for the future to prevent the like mischief, doe ordaine, and enact and declare, and by the au-

thority thereof be it ordained, enacted and declared, That from and after the publication hereof, if any person or persons shall presume to ride on either horse, mare or gelding, a gallup, or to runn speed in any of the streets or highways, of the said towne of Newport, between the house that lately John Horndall lived in, and the house where Thomas Clifton liveth, shall for his said offence pay or cause to be paid unto the Treasurer of the said towne five shillings in money on demand ; two shillings of which said five shillings shall by the said Treasurer be paid to give any person or persons, that shall give information thereof, and the other three shillings to remaine for the use of the said towne.

And further it is enacted and declared by the authority aforesaid, That if any person or persons offending as aforesaid, shall neglect to pay the five shillings to the said towne Treasurer, on demand as aforesaid, that then any one Magistrate in this Collony, is upon complaint to him made, hereby empowered and required to grant forth warrant to the Sergeant of the towne of Newport, aforesaid, to take by distrainte the said five shillings, together with two shillings for his service therein, and to make returne of the five shillings by him distrayned, to the said towne Treasurer.

Voted, The accounts presented by part of the Generall Auditt, haveinge been seariously debated and considered, are owned, and the sum therein mentioned, which is four hundred and thirty seven-pounds, three shillings and tenn pence, to be the Collony's just debt and due to pay.

Voted, To be Conservators of the Peace, in the King's Province, for Westerly, Tobiah Sanders, and John Badcock. For Pettacomscutt, Mr. Jireh Ball, and Mr. Samuell Wilson. For Kings Towne, Mr. Thomas Gould, engaged, and Mr. John Greene, engaged. For East Greenwich, Mr. John Spencer, engaged ; Henry Tibbitts, and John Mackandrew, are appointed Constables.

And ordered, That the Recorder shall give forth commissions to the said engaged Conservators, under the seale of the Collony.

Voted, This Assembly takeing into consideration the laws made in the yeare 1647, and the yeare 1674, concerninge the

orderinge the estates of persons dying intestate, or the executor or executors refusing to administer; and in the aforesaid laws the towne Councill or the major part of them are empowered to make an Executor, which said word being an improper tearme to be used in that case, this Assembly doe therefore ordaine and enact, That in the roome and place of the word Executor, there shall be placed the word Administrator; it being in that case the more proper and usuall tearme in the law.

Voted, This Assembly takinge into consideration the many and frequent misbehaviours committed in this jurisdiction towards his Majesty's officers in the due and lawfull execution of their said offices, and the former laws made in this Collony being very short, and not fully declareing what shall be accounted misbehaviour, this Assembly doe therefore order, enact and declare, That where the law of this Collony doth not fully declare what misbehaviour is towards his Majesty's officers, in this Collony in the due execution of their said offices, that every person soe offending, shall be judged by the laws of England in such case made and provided.

Voted, Whereas, there hath been a petition presented to this Assembly by John Pebody and Mary Pebody, late wife to the deceased James Rogers (Generall Seargeant,) concerninge the accounts that have been betweene the Collony and the said deceased (Generall Sergeant) James Rogers, which said accounts have been dilligently examined by the late Generall Auditt, whoe have declared that they find the accounts soe imperfect, that they could neither allow nor disallow the same. And forasmuch, as there doth appeare such difficulties and doubts in the said accounts, and to prevent further trouble thereabouts, this Assembly, with the free consent of the said petitioners, doe agree and determine that there shall be and is hereby and equall, cleer ballance of all the aforesaid accounts between this Collony and the said James Rogers; and that by this act there is a full and fynall issue of all differences relating to the said accounts from the beginninge of the world unto this present Assembly.

Voted, Whereas, there is a clause in the Major's commission, restricting said Major to the advice of the Councils of each respective towne: this Assembly upon consideration thereof, doe see cause to make the said clause null and voyd; and that for the future, the said clause shall be wholly left out in the Major's commission, and the Major for the future not to be any wise obliged thereby, but to be wholly cleer thereof, as if the said clause had not therein been inserted.

And further it is enacted, That if the Major see cause to assemble the severall Companys together in armes, in military exercise, or soe many of the severall Companys as the Major shall cause to call and command together once or twice in the yeare, and oftener if urgent occasion present; the respective Companys by the Major soe called, shall dilligently attend his commands therein. And every listed souldjer in the said Companys by the Major's warrants required to appeare, and not accordingly attendinge, shall be lyable to the like penaltys and forfeitures, as are by the law provided and injoynd on all those that appeare not or attend not on the severall training days by law appointed for the severall respective days yearly.

And alsoe it is ordered, That the authority placed in the former laws and commissions relatinge to the military commanders, wherein the Towne Councils have power to order them, the said clauses and power therein given to each respective Towne Councill, is alsoe hereby made null and voyd: and the severall military commanders are not longer to have their commissions under that injunction of observeing the advice and orders of the Councils of each respective towne; but shall be only injoynd to the Generall Assemblys, the Governor, or Deputy Governor, or Generall Councill's orders.

Voted, It is ordered and enacted by this present Assembly, That all the estate of John Carr, of what nature soever, shall be seizable or lyable to be seized to answer the judgment and sentence of the last Generall Court of Tryalls, held in May last, to answer the cost and charge relateing to

the same, according to the sentence of the said Court; as alsoe the said Assembly doe give full and ample power to any two Magistrates to dispose of the body of the said Carr as a servant, to be transported to some other place or country, or otherwise as the said Magistrates shall think meet, till the said Carr shall serve as an absolute servant, till all manner of cost and charges shall be defrayed by the produce thereof, as relateing to the sentence and judgment of the said Court of Tryalls, and all other charges thereon depending; and that the said Carr shall remaine in safe custody of prison according to the former sentence, till the performance of what is above declared. And that if he the said Carr, be found within the limitts of this Collony after the said Magistrates have acted as according to the power before given, the former sentence of the said Court of Tryalls shall stand good in all respects according to the true intent and meaning thereof.

Voted, Josiah Helling, and Joseph Billing, both freemen of the towne of New Shoreham, are admitted freemen of this Collony.

Voted, That the letter sent from Major Talcott, to our Honored Deputy Governor, shall be answered in the name and behalfe of the Assembly, by the Recorder.

Voted, That the Recorder shall have three pounds, tenn shillings in money, or equivalent, for copys of this Court orders, to be paid by the towne of Newport; one pound, five shillings, by the towne of Portsmouth; one pound by the townes of Providence, Warwick, and New Shoreham, each of them eight shillings, four pence.

And voted, That the orders of this Assembly shall be soe copyed out and delivered on the 25th day of this instant, to the Towne Clerke, that they shall be published in the towne of Newport, on the 26th of this instant June, there to be published by the order of a Magistrate. And the other copys to be delivered soe that in each towne they may be published within thirty days of the adjournment of this Assembly.

Voted, This Assembly is adjourned until the last Wednes-

day in August next, or untill the Governor or Deputy Governor shall see cause to conveane the same.

Voted, Upon the petition of Margaret Smith, her former sentence of beinge incapable of giveing in evidence in any case, and thereby stands as a perjured person, is remitted, null and voyd.

Voted, Upon the petition of John Pearce Mason, that he may be dismissed of the Court's grant to him for lands at East Greenwich, and that Henry Mathewson may be accepted in his roome, the said petition is granted, and the said Mathewson is accepted in the roome of said John Pearce, he the said Mathewson performinge the Assembly's former injunctions concearninge the said lands.

Voted, Upon the petition of Mr. Thomas Greene, John Tooly, William Foster, Peter Wells, and John Sheldon, to be accommodated with lands as East Greenwich men are, their petitions are granted, and they are to be accommodated in the next division of the ten thousand acres formerly granted, on the same conditions others are.

August 28th.

At the re-meeting of the Assembly the 28th of August, 1778, accordinge to the aforesaid adjournment.

Voted, Whereas, our late Governor, Benedict Arnold, is deceased, this Assembly doe forthwith proceed to the election of a Governor in his roome or place.

Mr. William Coddington, chosen Governor and engaged in the Assembly.

Voted, That some persons be sent from this Assembly unto Mrs. Arnold, widow to the deceased Governor Arnold, and from her demand and receive his Majesty's Charter of this Colony, and all other parchments and writeings that were in the said deceased Governor's custody, belonginge to this Collony, and returne what they soe receive unto this Assembly, and to give the said Mrs. Arnold, in the name of this Assembly, a full discharge for what they receive.

The persons appointed and empowered are, Capt'n Peleg Sanford, Mr. John Whipple, Capt'n John Albro, Capt'n Samuell Gorton, Assistants ; and John Sanford.

Voted, That the returne of the Committee sent to Mrs. Arnold, be entered on record; it being a copy of their receipt given to her, and they haveing returned the particulars therein mentioned.

Voted, There was a printed paper, entitled an advertisement, subscribed by Simon Bradstreet, John Saffin, and Elisha Hutchinson, dated in Boston, the 30th of July, 1678, stileing themselves a Committee, to act in behalfe of certaine gentlemen of New England, in the disposition of the lands of Narragansett and Niantick countrys;* by them untruly declared to be under the government and jurisdiction of the Collony of Connecticut, notwithstandinge his Majesty's grant of the said lands is not unknowne unto the said persons, to be given and granted unto the free inhabitants of his Collony of Rhode Island and Providence Plantations, which said paper was by said John Saffin sett up in the towne of Newport, whoe forthwith fled off the Island from the hands of justice, &c.

These are therefore to signify, publish and declare, unto all persons whatsoever, and to prevent the trouble and damage, wrongs and injuries that hereafter may happen and befall unto

* AN ADVERTISEMENT.

Whereas, the lands of Narragansett, and Niantick countrys, and parts adjacent, are places very pleasant and fertile, fit and commodious for Plantation, and several townships; the true and legal right whereof belongs to certain gentlemen in New England (the most part of them dwelling within the Colony of the Massachusetts), by purchase from the chief Sachims, that were sole proprietors of the same; and was since allowed and approved by the Honoured Commisioners, of the United Colonies, and recorded in the Book of Records for the Colony of Connecticut, under which government and jurisdiction the land aforesaid lyeth.

These are therefore to certifie and inform all Christian people, that are willing, or may be desirous to settle themselves in a regular way of townships on the said lands, that they may please to apply themselves to the subscribers hereof in Boston, who are by the said gentlemen, the proprietors, chosen and appointed a Committee to act in any of their concerns touching the premises; with whom all such persons may treat and agree on very easie and reasonable terms.—(*J. Carter Brown's Mss., Vol. II. No. 119.*)

SIMON BRADSTREET,
JOHN SAFFIN,
ELISHA HUTCHINSON.

Dated in Boston, the 30th of July, 1678.

them or any of them, that shall be induced by their falacious claimes of title and government to enter thereon, that the government and disposition of the said lands is in truth belonging unto his Majesty's Collony of Rhode Island and Providence Plantations: and that they are in actuall possession of the same. Aud doe therefore in his Majesty's name, forewarne, prohibitt and forbid, all persons whatsoever and under what pretence soever, to enter into or take possession of any the said lands, without the approbation, leave and authority of the Generall Assembly of this Collony.

Butt that they, or any of them soe doing, shall be taken and deemed as intruders, mollesters and disquieters of the peace of his Majesty's subjects in this Collony, and shall be dealt withall, and prossicuted accordingly.

Voted, That the Clerke of this Assembly is to subscribe to this act afore-written, in the behalfe and order of the Assembly, and forthwith to send two copys of them unto any one Assistant of each of the townes of Newport, Providence, Portsmouth, and Warwick, and two for Westerly, two for Greenwich and Kings Towne, and one for Pettacomscutt, to be sent to any Assistant belonging to Newport, to be sent to the places above-said; to be publickly sett up at such place or places as the Assistant, and Conservators of the respective townes shall judge most meet and convenient.

Voted, That the Recorder doe forthwith draw out one copy of the aforesaid act, that it may this day, August the 30th, by beat of drum be published in the towne of Newport.

Voted, Whereas, a petition hath been presented to this Assembly, signed by Nathaniell Colson, said to be in behalfe of Miles Forster, bearing date the 4th month, called June, 1678, concerning the action that hath been legally tryed at two Generall Courts of Tryalls, betweene Capt'n Peleg Sanford, plaintiff, and said Miles Forster, defendant. This Assembly conceive that it doth not properly belong to them or anywise within their recognizance to judge or to reverse any sentence or judgment passed by the Generall Court of Tryalls, accord-

ing to law, except capitall or criminall cases, or mulct, or fines.

Voted, Whereas Mr. William Brinley, empowered Commissary, hath petitioned this Assembly to take out of his custody the remaining part of the powder belonging to this Collony in his custody.

This Assembly doe desire and empower the Deputy Governor and Capt'n Peleg Sanford, to receive the said powder, and to the best of their discretion secure the same; and alsoe to auditt the said Commissary's accounts, and returne the account forthwith to the next Generall Assembly. Butt upon urgent occasion, the said Deputy Governor and Capt'n Peleg Sanford have power to make use of the said powder, or any part thereof. And they are empowered to give the said Mr. William Brinley a full discharge.

Voted, That the acts and orders of this Assembly this last adjournment, shall be copied out, and given under the seale of the Collony by the Recorder, by the last day of September next, for the townes of Newport, Providence, Portsmouth and Warwick; and shall have for those copys and the severall copys to be sett up at the severall townes, the sum of fifty shillings in money, or equivalent. The towne of Newport to pay twenty-two shillings; the towne of Portsmouth thirteen shillings; the townes of Providence and Warwick, each seven shillings, six pence.

Voted, This Assembly is dissolved, August 31, 1678.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 30th day of October, 1678.

Major John Cranston, Deputy Governor, chosen Moderator.
John Sanford, Recorder, chosen Clerke of the Assembly.

Voted, This Assembly is adjourned till Monday, the 4th of of November next.

November the 4th.

The Assembly called and satt.

Voted, That the petition of Mr. Caleb Carr and Mr. Francis Brinley, on the behalfe of themselves and the proprietors, for Quononoquitt Island to be made a township, shall be first adjetated and debated.

Voted, That the said petition is granted ; and that the said Quononoquitt shall be a township, with the like priviledges and libertyes granted to New Shoreham.

Voted, This Assembly is adjourned untill Friday, the 8th instant, one of the clock, after noone.

November the 8th.

The Assembly called and satt.

Voted, That the matter concerning raising moneys for the payment of the Collony's debts, shall be first adjetated and determined.

Voted, This Assembly haveing taken into their serious consideration the great necessity for the raisinge of moneys for the paying and defrayeing of the Collony's debts, it is therefore by this Court and the authority thereof, ordered, enacted and declared, That a levie, tax or rate, to the vallue of £300 sterling, shall be assessed on the freemen and inhabitants of this Collony, as followeth, that is to say : either in money or in provisions, good and merchantable at the money price : Newport, £136 ; Providence, tenn pounds ; Portsmouth, sixty-eight pounds ; Warwick, eight pounds ; Westerly, forty shillings ; New Shoreham, twenty-nine pounds ; Kingstowne, sixteene pounds ; East Greenwich, forty shillings ; Jamestowne, twenty-nine pounds ; that is to say, one half of what each the last eight respective townes are assessed, is to be paid to the Generall Treasurer, at his house, in Newport, in moneys or provisions at money prices, on or before the last day of March ; and the other half to be paid in money and species, as afore expressed, before the last day of November following, 1679.

And if any person shall refuse or neglect to pay his or her or their rate, that he, her or they shall be assessed by the freemen of the respective townes aforenamed, within the time or times afore in this act limitted and mentioned, the same shall be taken from him, her or them, to be distrained by virtue of warrant from the Governor or Deputy Governor, or any one Assistant or Warden, or Conservator of the Peace, belonging unto any the respective townes aforenamed, to the Generall Sergeant, or his Deputy, in the respective townes aforesaid, who are to returne the same unto the Generall Treasurer, in Newport, aforesaid ; and for his or their service therein, to distraine for their fees.

And it is further enacted by this Court and the authority thereof, That the Governor, Deputy Governor, or any one Assistant, Warden, or Conservator of the Peace, is hereby ordered within their respective townes, to call the freemen of the said townes together, and require them to make or else to choose freemen of the said townes to make an equall rate according to their best understanding amongst the freemen and inhabitants of each respective towne, accordinge to each respective towne's assessment. The rate to be paid in the severall species following, or in money, &c.: good merchantable pork, at two pence per pound, fresh or in barrills, good and merchantable, well packed, fifty shillings. Good merchantable beefe, at twelve shillings per hundred, fresh or in barrill, good and merchantable, well re-packed, thirty shillings ; pease, at two shillings, sixpence per bushell ; Indian corne, at two shillings per bushell ; barley, at two shillings per bushell ; good barley mault, at two shillings, sixpence per bushell ; sheeps' wooll well washed, good and merchantable, at sixpence per pound ; good butter in the firkin, good and merchantable, at five pence the pound.

Voted, Whereas in October Court, 1676, Mr. Phillip Smith, and Mr. Richard Bailey, Executors to Mr. John Clarke's estate, deceased, petitioned to said Court demanding a hundred pound, currant money of England ; that Court considering of the said demand, and the severall transactions of some Assemblys not

agreeing with the said demand, nor according to other payments, did then deliberate to inquire into accounts between the said Mr. John Clarke and this Collony, and appointed Mr. John Easton, Mr. William Wodell, Mr. Caleb Carr, and the Recorder, to examine the accounts of said Executors ; and whereas as nothing has been as yett done in the premises, this Assembly doe suspend the payment of the demand by said Executors, and doe order the first three men mentioned, with the present Recorder, John Sanford, with Mr. Francis Brinley, and Mr. John Coggeshall, whoe is added, they or the major part of them to examine the accounts of said executors, compareing them with the former transactions of Assemblys and payments, and bringe in what they finde, to the Assembly in May next.

Voted, This Court haveing taken into consideration the debate that is and lyeth between the two townes of Newport and Portsmouth, concerning severall Indians that were brought in, and that voluntarily came in themselves unto the respective townes aforesaid, in the time of the late Indian warr, and being chiefly desirous to maintaine, uphold and preserve peace, love and amity, and for the prevention of all future differences and discord that might arise, grow and be betwixt the aforesaid townes relateing to the said Indians ;

It is ordered by this Court and the authority thereof, That all the Indians that were either brought over or of themselves came volluntarily into any part or place belonging unto the towneship of Newport, the profitt and produce of them or the Indians themselves, if not disposed of according to the Councill's order, 24th July, 1676, shall only be for, and revert unto the use, benefitt and behoofe of the towne of Newport ; and that all Indians that were either brought over, or of themselves came

lluntarily into any part or place belonginge unto the towneship of Portsmouth, the profitt and produce of them shall only be for and revert unto the use, benefitt and behoofe of the said towne of Portsmouth, for the defraying of their charge of the late Indian warr.

Notwithstanding any former law, act or orders to the contrary, it is further ordered, That the towne of Newport shall

choose four men, and the towne of Portsmouth four men, to meet upon or before the 13th of January next, at the house of Mr. George Lawton, in Portsmouth, to adjudge and auditt all accounts depending between the said two townes relateing and only growing by reason of the late Indian warr, that soe the towne falling in debt, may take speedy course and care for the payment of what it shall be found in debt unto the other towne; and that the eight men soe chosen by the said townes or the major part of them, have full power to adjourne from time to time, untill such time as they have fully perfected the matter committed unto them.

Voted, That whereas, our late Honored Governor William Coddington, Esquire, is deceased, this Assembly doe forthwith proceed to the election of another in his roome or stead.

Major John Cranston is chosen Governor, and engaged in open Court.

Mr. James Barker is chosen Deputy Governor and engaged.

Voted, Whereas the Deputy Governor, John Cranston, is chosen and engaged to the place and office of Governor, he is by this Assembly absolved from his former engagement to the office of Deputy Governor.

And alsoe Mr. James Barker being engaged in the place of Deputy Governor, is by this Assembly absolved from his engagement to the office of Assistant.

Voted, Whereas Mr. James Barker, who was the first Assistant, is chosen Deputy Governor, the two next Assistants are to succeed in order, and that upon their former engagement, and a third Assistant be chosen.

Mr. Caleb Carr chosen Assistant, and enagaged.

Voted, That a Committee be sent from this Assembly unto Mrs. Ann Coddington, widow to our late deceased Honored Governor, and of her demand and receive the Charter and all other writings that were in the late Governor's custody and belonging to this Collony; and have power to give the said Mrs. Coddington a full discharge in the behalfe of this Assembly for what they receive. The persons chosen, are Capt'n Peleg San-

ford, Capt'n John Albro, Capt'n Arthur Fenner, Mr. John Coggeshall, and the Recorder, whoe are to returne what they so receive unto this Assembly.

That the aforementioned Committee are empowered to demand and receive from the Executors of the late deceased Mr. John Clarke, the duplicate of the Charter, and give a full discharge for the same, and returne it to this Assembly.

Voted, The Committee appointed to goe to Mrs. Coddington, for the Charter, and for all other writeings belonging to the Collony, in the late Governor's custody, have according to their trust, returned what they received, and the receipt by them given to be entered on record, and they are committed to the present Governor's keepinge.

Alsoe, they having received the duplicate of the Charter, have delivered it unto this Assembly, and are discharged thereof; and the said duplicate is committed to the keeping of the present Deputy Governor.

[Here follows the receipt.]

By order and appointment of the Generall Assembly, held for his Majesty's Collony of Rhode Island and Providence Plantations, and sittinge the 14th of November, 1678, wee whose names are under written, doe owne wee have received of Mr. Thomas Ward, of Newport, one of the assignes of the late deceased Mr. John Clarke, the duplicate of the Charter, sealed with yellow wax, containing three sheets in parchment, with this promise, that if it shall appeare that the said duplicate by any act of the former Assemblys doth belong unto the Executors of the said John Clarke, deceased, then to be truly returned.*

Witness our hands, the 15th of November, 1678.

PELEG SANFORD,
JOHN COGGESHALL,
JOHN SANFORD,
JOHN ALBRO,
ARTHUR FENNER.

* This receipt is inserted, as giving the history of the duplicate copy of the Charter of 1663, which is in the Secretary's office, and in excellent preservation.

Voted, Whereas the Generall Assembly in May last, did see cause to appoint two persons to be survayers of lands in the Narragansett country, as more fully is exprest in the act of the said Assembly, the persons then appointed, being Capt'n Peleg Sanford, and Mr. Benjamin Speere, and they as yett not haveing done anything in that respect; and whereas Mr. Benjamin Speere, one of the persons then appointed, is gone out of the country, therefore, that the said worke may not be neglected, and that the matters may be truly stated, according to the true meaning and intent of the Assembly, this Assembly doe appoint and empower John Smith, inhabiting at Newport, in the roome of Benjamin Speere, to join with Capt'n Peleg Sanford, and assist him in the performance of that worke, and make returne of what they doe in the premises unto this Assembly, if they see cause to adjourne, or else unto the next Assembly.

And it is further ordered, That whereas severall gentlemen were by the said Assembly in May last, empowered to agree with the then appointed survayers what they should have for their service, to be paid them by the Collony, and alsoe the time when they should proceed in doeing it, and they not haveing anything by them done in that respect, this Assembly doe now appoint and empower the Governor, the Deputy Governor, Captain John Albro, and Mr. Caleb Carr, Assistants, Mr. John Coggeshall, and Mr. Thomas Ward, or major part of them, to agree as aforesaid, with the now appointed survayers, and what they doe therein, shall be as authentick as if done by this Assembly.

Voted, That the survayers, Capt'n Peleg Sanford and John Smith are desired and empowered by a writeing under their hands, to give notice to all the townes in the Collony of the time of their proceedinge in that worke, that soe those that please may be present at the time of their acting in the premises.

Voted, That the returne made to the Governor by Capt'n Peleg Sanford and Mr. John Coggeshall, appointed and empowered Commissioners to act with the Commissioners of the

Massachusetts, Plymouth, and Connecticut Collonys, in a Court by his Majesty's speciall command held concerning difference about title of lands, between William Harris and others, shall, as the Governor sees cause, be transcribed by the Recorder, and accordingly returne thereof to be made to his Majesty. The charge thereof to be borne by the Collony.

Voted, That Capt'n Arthur Fenner shall have one barrill of powder of that which is in the Collony's store ; and it shall goe in part of pay for what the Collony is indebted for the maintaineing the King's garrison at Providence.

Voted, Whereas Mr. William Harris hath petitioned this Assembly for the sum of tenn pound in England (as he saith, about nine or tenn years since), by him paid to Capt'n Richard Deane. The Assembly haveing seariously considered the matter, doe finde that former Assemblies have taken effectuall course for the payment of such demands, by assessments on the severall townes, and doe conceive it may then be paid. Therefore, doe not see cause to proceed any further therein, not being cleerly informed that the said William Harris hath anything justly due on the said demand.

Voted, Whereas there appeares to be further due from the Collony to John Sanford, Recorder, the sum of seven pound, five shillings, it is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, Whereas there appeares due to Mr. John Coggeshall the sum of four pound, five shillings, country pay, it is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, Whereas there is due to Mr. Robert Carr the sum of one pound, four shillings, currant pay, for service done by his sonn Caleb, and his sloop, by transporting the Magistrates to Narrragansett ; the said sum is ordered to be paid to Mr. Robert Carr, by the Generall Treasurer.

Voted, That the Recorder shall within thirty days after the adjournment or the dissolution of this Assembly, give forth coppys to all the townes in this Collony, of the acts of this Assembly, under the seale of the Collony.

Voted, This Assembly is adjourned till the last Tuesday in March next, which will be the 25th of the said month, then to assemble againe at Newport.

March 25th, 1679.

Accordinge to the aforesaid adjournment, the Governor, Deputy Governor, Mr. Joseph Clarke, Mr. Caleb Carr and Capt'n John Albro, Assistants, were present.

[The Records contain no proceedings of the General Assembly at this session.]

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 6th of May, 1679.

Major John Cranston, Governor.

Mr. James Barker, Deputy Governor.

ASSISTANTS.

Capt'n Peleg Sanford,

Mr. Joseph Clarke,

Mr. Caleb Carr,

Mr. Stephen Arnold,

Mr. Thomas Olney, Jun'r,

Mr. John Whipple, Jun'r,

Capt'n John Albro,

Capt'n Samuel Gorton,

Mr. Thomas Greene.

DEPUTIES.

For Newport.

Mr. Caleb Carr,

Mr. Thomas Ward,

Lieut. Edward Richmond,

Lieut. John Greene,

Mr. William Coddington,

Ensigne John Bliss,

For Warwick.

Mr. Edmund Calverly,

Lieut. Benjamin Barton,

Mr. Samuel Stafford,

Mr. John Warner.

For Westerly.

Mr. Joseph Jencks.

For Providence.

Capt'n Arthur Fenner,

Mr. William Carpenter,

Mr. Richard Arnold.

For Portsmouth.

Mr. George Lawton,

Lieut. William Correy,

Lieut. Francis Brayton,

Lieut. William Codman.

For New Shoreham.

Mr. John Williams.

For Kings Towne.

For East Greenwich.

Mr. John Heath,

Serg't Thomas Nicholls.

For James Towne.

Mr. Ebenezer Slocum,

Capt'n John Foanes.

The Governor chosen Moderator.

John Sanford, Recorder, chosen Clerke.

Voted, Edward Thurston, Jun'r, Bartholomew Hunt, Jun'r, Thomas Brookes and John Coddington, being freemen of the towne of Newport, are admitted freemen of this Collony.

Voted, Abiall Tripp being a freeman of the towne of Portsmouth, is admitted a freeman of this Collony.

Voted, That John Greene, Jun'r, being a freeman of the towne of Warwick, is admitted a freeman of this Collony.

Voted, Henry Mathewson, Charles Mecarta, and Mordica Bouden, being freemen of the towne of East Greenwich, are admitted freemen of this Collony.

Voted, That Ebenezer Slocum, Nicholas Carr, Caleb Carr, the sonn of Robert Carr, and Peter Wells, freemen of Jamestowne, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 7th of May, 1679, at the house of Robert Lovis.

The Assembly consisted with the afore written Governor, Deputy Governor, Assistants and Deputys.

The Governor chosen Moderator.

John Sanford chosen Clerke.

Voted, Mr. Thomas Ward shall receive the votes from each

person that bring in their votes for the Election, and take care that they be truly brought in, and putt into the hatt. And that Capt'n Samuell Gorton and Mr. Caleb Carr shall open the proxies; and as the election proceeds, putt the votes into the hatt: and that John Williams, and the Recorder shall in writeing take the names of all those that vote.

Voted, That the Assembly remove and sitt in the lower roome, for the conveniency of the Election.

By the Election, was chosen the following, who were severally engaged.

GOVERNOR.
Major John Cranston.
DEPUTY GOVERNOR.
Mr. Walter Clarke.
ASSISTANTS.
Mr. Caleb Car,
Mr. Thomas Ward,
Mr. Joseph Clarke,
Mr. Stephen Arnold,
Capt'n Arthur Fenner,
Mr. John Whipple, Jun'r,
Capt'n John Albro,
John Sanford,
Capt'n Samuel Gorton,

Mr. Thomas Greene.
RECORDER.
John Sanford.
GENERAL SERGEANT.
Edmund Calverly.
GENERAL TREASURER.
Capt'n Peleg Sanford.
GENERAL ATTORNEY.
Lieut. Edward Richmond.
SOLICITOR.
Edmund Calverly.
MAJOR.
Capt'n Peleg Sanford.

John Potter, of the towne of Warwick, haveing petitioned this Assembly for the sum of thirty-six shillings, currant pay, due to him for service, by him done some yeares since, being Constable, in secureing and sending an Indian to Newport, the said sum is ordered, to be paid by the Generall Treasurer.

Upon the petition of John Correy, and John Wood Weaver, to be accommodated with lands at East Greenwich, their petition is granted, and they are to be accommodated as others out of the shares which that are yett not taken up.

Voted, Whereas there hath complaint been made that sun-

dry persons being evill minded, have presumed to employ in servile labor, more than necessity requireth, their servants, and alsoe hire other mens' servants and sell them to labor on the first day of the week: for the prevention whereof, bee it enacted by this Assembly and the authority thereof, That if any person or persons shall employ his servants or hire and employ any other man's servant or servants, and set them to labor as aforesaid, the person or persons soe offending, shall upon proof thereof made, pay for every offense by him or them committed, five shillings in money, to the use of the poore of the towne or place in which the offenses are committed; which said five shillings, if the person offending refuse, upon conviction before one Magistrate, to pay; a warrant under the hand of one Magistrate, directed to the Sergeant of the towne, where the offense was committed, shall be his sufficient warrant to take by distraint soe much of the estate of the offending party, together with two shillings for his service therein.

And bee it further enacted by the authority aforesaid, That if any person or persons shall presume to sport, game or play at any manner of game or games, or shooting on the first day of the weeke as aforesaid, or shall sit tippling and drinking in any tavern, ale-house, ordinary or victualling house on the first day of the weeke, more than necessity requireth; and upon examination of the fact, it shall be judged by one Justice of the Peace; the persons offending as aforesaid, upon conviction before one Justice of the Peace, shall by the said Justice of the Peace be sentenced for every of the aforesaid offenses, to sitt in the stocks three houres, or pay five shillings in money, for the use of the poor of the towne or place where the offense was committed.

Voted, Whereas there have been many complaints by masters of ships and other vessells, to the authority in this jurisdiction, that the seamen by them shipped and retained, have been entertained by persons keeping taverns, ale-houses, ordinaries or victualling-houses, to their great neglect and hinderance in their employment; and at the time of their being ready to saile and putt forth to sea, their men are by the per-

sons aforesaid, attached, imprisoned and kept from their lawfull service to their loss and damage. For preventing whereof, this Assembly doe enact and declare, That if any person or persons, that shall keep tavern, ale-house, ordinary or victualing-house within this jurisdiction, and shall give credit unto, and trust any seaman or seamen, that shall be shipped and retained by any master of a ship or other vessell, without order from the master of the said ship or vessell, above the sum of five shillings, noe action or suit shall lye or bee for the same.

And bee it further enacted by the authority aforesaid, That if any person or persons keeping all or any of the houses aforesaid, shall presume to arrest, attach or imprison any seaman or seamen, contrary to this act, he or they and every of them, shall be lyable to pay to the master of the ship or other vessell, the damage or damages that he or they shall sustaine thereby; whoe by himselfe or his attorney may have his action against any person or persons soe offending for the same, as in action of debt.

And be it further enacted by the authority aforesaid, That all ships and other vessells that shall come into any harbour on this Island, or other harbour in this Collony, not under the burthen of twenty tons, the master thereof shall immediately repaire to the Governor (if in Newport), if in any other port in the Collony, then to the head officer in that towne or place, and shall give a just account of their designe, and shall not presume to sett saile out of any of the said harbours without giveing the knowledge thereof to the Governor, or head officer, as aforesaid, before their sailing; and if they remain above ten days in any of the said harbours or ports, they shall then sett up their bills in two public places in that towne or place where they shall come in this Collony, at least three days before they sett saile.

Voted, Upon a petition presented to this Assembly by Capt'n John Albro, relating to an action upon an indictment against John Albro, Jun'r, at the Generall Court of Tryalls, held the 12th of this instant, this Generall Assembly doe enact and declare, That judgment concerning the said John Al-

bro, Jun'r, shall at present be suspended, and the determination of the matter left to this Assembly. And upon the further searious debate and consideration of the matter, this Assembly doe see cause to suspend the further proceedings therein unto the next sitting of this Assembly, and Capt'n Albro is desired, and hath promised in the meane time to procure Joseph Wheaton, or information in the premises.

Voted, An act to prevent non-payment of publick impositions, rates, fines and forfeitures, and disorders that may ensue thereby :

Bee it enacted by this Assembly and the authority thereof, That if any towne or townes, village or villages, place or places, within the precincts of this Collony shall refuse and neglect to levie and proportion all and every imposition, rate, fine or forfeiture that may concerne the public weale of this Collony, upon the inhabitants, and others rateable in such townes, villages or places as aforesaid, that shall from time to time bee levied, and make returne thereof to the Generall Treasurer within the time limitted and appointed or imposed on them by the Generall Assembly of this Collony ; shall for every such offense forfeit to the Collony the sum of ten pounds in money, or other currant pay equivalent thereunto.

And further be it enacted by the authority aforesaid, That if any towne, village, or place, as aforesaid, shall refuse to levie and proportion any imposition, rate, fine or forfeiture, together with the ten pounds forfeitted by the neglect as aforesaid, upon the receipt of warrant to them directed from the Generall Treasurer in convenient time ; it shall and may be lawfull for the Governor or Deputy Governor, and three Assistants, by warrant under their hands, to appoint five honest persons according to their directions, to levie and proportion the imposition, rates, fines, and forfeitures, on the inhabitants and others rateable in any of the places aforesaid, together with the aforesaid forfeiture of ten pounds.

And further be it enacted, That if any person or persons refuse or neglect to pay his or their proportion or rate, that shall be imposed or levied on him, her or them ; that then a warrant

under the hand of one Assistant, directed to the Generall Sergeant or his Deputy, shall bee his or their lawfull authority to take the same by distraint; together with two shillings, six pence in the pound for his or their service; whoe is hereby required to observe the rules and method of appraizement as is usuall in cases of distraint, and to make returne of all he shall soe distraine to the Generall Treasurer.

And further bee it enacted by the authority aforesaid, That if any officer or officers shall neglect his duty in the performance of the aforesaid act and order, he or they whoe shall be soe neglecting, shall be censured by the Assembly from time to time, suiteable to the demeritt of their offense.

Voted, Whereas the Generall Treasurer hath made a returne to this Assembly, that severall townes in this jurisdiction, have not made their returnes of the severall rates imposed and levied on them according to the act of the Generall Assembly, held in Newport, October 30th, 1678: for the regulating the said disorders, bee it enacted by this Assembly and the authority thereof, That all and every towne, place, or village that doe neglect to conforme, and doe remaine disobedient to the orders and injunctions of the Assembly, aforesaid, for the space of twenty days after their knowledge of these presents, shall bee lyable to suffer the penalties and forfeitures, and be proceeded against for every such default, by them made, as is provided in and by an act made in this present sitting of this Assembly, entitled an act to prevent non-payment of publick impositions, rates, fines and forfeitures and disorders that may ensue thereby.

Voted, That for the encouragement of Assistants and Deputys to attend Generall Assemblys; and alsoe the Assistants and other officers to attend Courts of Tryalls, their necessary charges for dyett and lodging dureing the time of their attendance at Courts, shall be paid and borne by the fines and forfeitures due to the Collony.

Voted, In addition to an act made in the yeare one thou-

sand six hundred and fifty-eight, entitled, "To prevent innovation in the government and liberties of this his Majesty's Collony."

Bee it enacted by this Assembly and the authority thereof, That if any person or persons in this Collony shall presume or endeavour, to putt or subject all or any part of his or their land or lands that are lying and being within the precincts of this jurisdiction, under the authority of any other government or jurisdiction, he or they soe doing, or any ayding, assisting or abetting to such, shall forfeitt his or their estate both reall and personall, according to the afore-recited act ; or otherwise be fined at the discretion of the Court, before whome he or they shall upon legall tryall, be found guilty of any of the offenses aforesaid.

Voted, Upon the petition of Shuball Painter to this Court, for favour : he being in the Court of Tryalls fined thirty shillings, and bound to the good behaviour and appearance at the next Court of Tryalls : it being for his contempt of authority, and he declareing himselfe heartily sorry for offense therein : thereupon this Assembly doe see cause to remitt him tenn shillings of his said fine.

Voted, That whereas John Borden was fined at the Generall Court in October last for not attending the jury : and he haveing petitioned this Court that his fine may be remitted, alleging that he attended part of the Court's sitting, and being challenged off in a pertickular action ; cominge home found one of his children very sick, whereby he was detained from attendance. Therefore the Court doe remitt his said fine.

Voted, That Henry Lilly's bill for six pounds, eight shillings, due to him from the Collony, for services done to this 24th of May, 1679, is owned and accepted, and ordered to be paid by the Generall Assembly.

Voted, Whereas the last Assembly in October, dissolved without allowing any sum to the Recorder for copys to the nine townes, under the seale for his attendance eleven days at that Assembly, the Assembly doe agree and order, That the Recorder shall have for the said service, the sum of five pounds,

ten shillings in or as money ; the same to be paid proportionally by each towne.

Voted, That all the copies of this Court's acts shall be given forth by the Recorder, under the seale of the Collony for the respective townes in this Collony, and the same to be ready for each towne within thirty days of the adjournment of this Assembly ; and to be delivered to the Generall Treasurer within the said time to be convayed to the severall townes.

Voted, That the Recorder doe draw forth the copys of the prohibition against such as intrude into the Narragansett or Niantick countrys, and signe the same on behalfe of this Assembly, and deliver the same unto Sergeant Thomas Nicolls, and to be paid by the Generall Treasurer.

Voted, That the late Generall Sergeant, Thomas Fry's bill for five pounds, six shillings, is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, This Assembly is adjourned untill the first Wednesday in September next, at Newport, again to meet only if there doe appeare grounds and reasons to the Governor, or in his absence, the Deputy Governor, for their meeting at any time before that time ; then by warrant from the Governor or Deputy Governor, the Assembly are to be convened sooner.

July 9th, 1679.

At the re-meeting of the Generall Assembly, being by the Governor's warrant convened the 9th of July, 1679 ; it being sooner than the time expressed in the adjournment of this Assembly.

Voted, That his Majesty's letter to this government brought by Capt'n Randall Howldon and Capt'n John Greene, be read in this Assembly.

Voted, That his Majesty's letter haveing been read in this Assembly, be alsoe againe read openly in the Assembly.

Voted, That a letter from Mr. Robert Mason, to this Collony, be openly read.

Voted, In answer to his Majesty's letter to us, That a Committee be appointed to draw up their result.

1. In way of answer humble returnes of thankfullness to his Majesty for his grace and favours to us.

2. That a true account may be rendered his Majesty concerning Mount-hope Neck.*

* [It appears that Randall Holden and John Greene, were in England at the time the subject of Mount Hope was occupying public attention, and that they were called upon to give information relative thereto, to which they made the following reply] (see Brown's Mss., Vol. II. 127):

To the Right Honorable the Lords Committees of Trade and Plantations:

In obedience to your Lordship's commands of the 29th of January, signified to us by Mr. Blathwait, that wee should give answer unto some questions proposed by your Lordships concerning Mount Hope, in New England.

Wee doe according to the best of our knowledge humbly informe your Lordships.

1. The extent of land is not much, it being a neck of land abutting upon the sea, and lying between the Colonies of Rhode Island and Plymouth, containing about four thousand acres.

2. The value, wee conceive to be about four thousand pounds. It is at present uninhabited.

3. Wee conceive the propriety of those lands to be in his Majesty, and that no Corporation in New England hath any right thereunto. It did lately belong to the Sachem Phillip, and was inhabited by him and his subjects, who are uow wholly destroyed by the late Indian warr; and although some of the neighbouring Colonies would pretend a right by conquest, yet wee conceive none can have a reall title thereto but from his Majesty, who is the Sovereigne Lord of all that country.

All which is humbly certified to your Lordships.

(Signed.)

3d February, 1678-9.

RANDALL HOWLDEN,
JOHNN GREENE.

[About the same period, a petition was presented to the King, from John Crown, in behalf of his father Wm. Crown, late proprietor of a part of Nova Scotia and Acadia, setting forth that in consequence of the delivery of that country to the French, "the petitioner and his family have sustained almost utter ruin," and for which they have never presumed to ask any compensation. "But now there happening to be in your Majesty's disposall a small tract of land in New England, called Mount Hope, lately in the possession of certain Indians destroyed in warr by your Majesty's subjects, which at present remains desolate and uninhabited, the petitioner humbly prays that you Majesty will bestow said small tract of land upon him for the support of his parents and family."

This petition was by his Majesty's Councill, on the 24th January, 1678-9, referred to the "Committee on Trade and Plantations;" who, on the 6th February following, reported,

"That the neck of land called Mount Hope, in New England, not being in the Colony of Massachusetts, and neyther of us having been upon the place, cannot certainly informe the quantity thereof, but suppose it may contain not above five or

3. That an account soe farr as we are able, may be given to his Majesty concerning the late warr with the Indians, and

six thousand acres, at the most ; much less can we acquaint your Lordships with the value of said tract, there being no common rule in New England, whereby to sett a price upon lands, especially such as are not inhabited or improved by the English. Butt in generall we know, that whereas the soyle of the Colony is mostly very poor and barren, this necke of land is accounted one of the best parts thereof, and was never by any doubted to be within the bounds of his Majesty's Colony. And very probable it is that it will be disposed of to particular persons before any notice of Mr. Crown's petition to his Majesty will arrive there.]

" We further make bold to pray your Lordships as on the behalf of the New Plymouth Colony, so also of the other Colonies, that his Majesty may be informed, that there are no lands lying among them, that are not clearly contained and fully conveyed, in and by the Charters already granted to those his Majesty's Colonies respectively ; and that besides the lands now vacant, by the removal of the Indians, our enemies, they have nothing else come into their hands towards the defraying of the vast charge of the late warr, whereby not only many families, but whole towns were ruined, and the country in generall extremely impoverished and brought into debt, etc. etc.

WILLIAM STOUGHTON,
PET. BULKELEY.

[On the 29th of January following, a note was addressed by the Council to the Agents of Massachusetts and Rhode Island, then in London, submitting to them the following questions, and requesting an answer thereto.]

1. "What is the extent of the lands of Mount Hope Bay, in length and breadth ?

2. What is the value of those lands at present ?

3. Whether there be any claime of propriety to said lands made by any of the neighboring corporations, or the inhabitants thereof?"

[To these the Agents, or as they are elsewhere called, the "Committee for Trade and Plantations," made the following report.]

Report and Order in Council concerning Mount Hope.

At the Court at Whitehall, the 6th of February, 1678. Present.
The King's most Excellent Majesty in Councill. A Report from the Right Honorable the Lords of the Committee for Trade and Plantations, being this day read at the Board in the words following :

May it please your Majesty :—

Upon receipt of your Majesty's reference in Councill of the 24th of January last, directing us to consider the petition of Mr. John Crown in behalfe of his father, William Crown, praying your Majesty to grant unto him the lands of Mount-hope, in New England, in compensation of the great losses hee had sustained by your Majesty's surrender of Nova Scotia unto the French, as being late proprietor in part of the country. Wee have taken much informations concerning the said tract of land, called Mount-hope, as the Deputies of New England which are now attend-

what else they see good, and make returne to this Assembly for their approbation.

The persons appointed are Mr. Thomas Ward, Capt'n Arthur Fenner, Mr. John Whipple, Capt'n John Albro, Capt'n Samuell Gorton, Mr. Joseph Jencks, Mr. John Williams, and Capt'n John Foanes; and alsoe that they draw up some lines to Sir Robert Southwell, Mr. William Blathwaite, and Mr. Robert Mason.

Voted, That a prohibition be drawne up and sent from this Assembly unto the townes of Westerly and Kings Towne, to prohibitt all persons belonging to Connecticut, or inhabiting in the Narragansett and Niantick countrys, or King's Province, from exercising any jurisdiction or authority in the King's Province, by virtue of any authority from any other Collony; and to require all persons there inhabiting, to yield and give obedience to his Majesty's authority, in this Collony.

ing your Majesty, were able to give us; and wee find that the said land was belonging unto the Sachem Philip and his adherents, destroyed by your Majesty's subjects in New England, in the late warr against the Indians.

But whereas the said Deputies do not give any positive or concurrent answer as to the extent, value and propriety of the said land, and it being not agreeable with your Majesties justice to make any grant or disposall thereof, untill your Majestie bee informed of the right and title which the neighborring Colonies may pretend unto the said country, which appears to have been conquered by them not without great charge and bloudshed. Wee are most humbly of opinion that your Majesties letters be sent unto the four Colonies of the Massachusetts, Plymouth, Rhode Island and Connecticut, in New England, requiring them to certifie unto your Majestie with all speed, the true extent, value and propriety of the said lands call Mount-hope, with the gronnds and evidences of their respective claimes (where any shall be made), that your Majestie may thereupon give such order as shall sute with your Royall justice and bounty; your Majestie having not as yet received the least intimation from any of the said Colonies concerning the conquest, claime or disposall of the said country. All which, &c.

ANGLESEY,
ESSEX,
CRAVEN,
AILESBURY,
H. LONDON.

Councill Chamber, 6 Febr., 1678-9.

His Majestie in Councill was graciously pleased to approve the said Report, and to order as it is hereby ordered, that the matter contained in the said report bee added to a letter which is now preparing for his Majesty's Royall signature, to bee sent to the four Colonies of New England, concerning the Narragansett country.

The Prohibition.

Whereas, wee have received a gracious letter from his Majesty, to his Majesty's Collony, dated at his Court at Whitehall, the 12th of February, 1678-9, wherein his Majesty is pleased to give his Royall determination that he is pleased to confirme the jurisdiction and government of the Narragansett and Niantick countrys unto this his Collony, according to the true settlement thereof by his Honored Commissioners, expressed in their acts in March, 1664-5, and Aprill, 1665, and therein commanding all others to be obedient thereunto.*

* *Letter from Charles II., concerning Mount Hope and the Narragansett Country.*

Trusty and well-beloved, wee greet you well:

Whereas, in pursuance of an order of our Privy Councill of the 4th of December last, directing our well-beloved subjects William Stoughton and Peter Bulkeley, Agents from the Corporation of the Massachusetts Bay, in New England, to show by what authority or title Simon Bradstreet, Deputy Governor, and other inhabitants of that country had by a printed paper called an Advertisement, dated at Boston, the 30th of July last, laid claim to the lands of the Narragansett and Niantick countrys, called the King's Province, they the said Agents did declare that the government of the Massachusetts Colony is not at all concerned in this claime, but only some inhabitants who had purchased those lands from the Indian Sachem. And whereas our well-beloved subjects Randall Holden and John Greene, Deputies in the Colony of Rhode Island, have certified our said Privy Councill (of their certain knowledge as having inhabited that country for above forty years) that never any legall purchase had been made thereof from the Indians by the Massachusetts or any others; and there being likewise produced an Act of the voluntary submission of the Chief Sachim and the rest of the Princes with the whole people of the Narragansetts unto the government of our late Royall Father of blessed memory, together with two Declarations made by our Commissioners of the 20th of March, 1664, and 8th of Aprill, 1665, whereby it appears, that they had then received from some of the principal Sachims of the Narragansett Indians, a surrender of themselves, their subjects and their lands to our government and dispose, not only by their personall acknowledgements and sending us presents, but by putting into the hands of our said Commissioners the deed aforementioned of the 19th of Aprill, 1644; and that as for the pretended purchase made by Major Atherton and others, of the Massachusetts Colony, our said Commissioners did then declare the said purchases to bee void, ordering the said purchasers to leave the use and possession of those lands, and that the Magistrates of Rhode Island should exercise the authority of Justices of the Peace in the Narragansett country, by them called the King's Province, and do whatever they should think fitt for the peace and safety thereof, untill our further pleasure should bee knowne. Wee having taken the premises into our Royall consideration, have thought fitt hereby strictly to will and require you to take care that all things re-

Therefore, in obedience and in pursuance of his Majesty's gracious favour to us, and for the information of the inhabitants in said Narragansett and Niantick, and for the preventing their running themselves into hazards and difficulties, that hereafter may prove greatly to their damage.

lating to the said Narragansett country or the King's Province, bee left in the same condition as now they are, or have lately been in, as to the possession and government thereof; and the absolute and immediate sovereignty, as well as the particular propriety of all that country appearing by the surrender of the Sachims to bee vested in us; our further pleasure is, that you do forthwith signify to all persons within your government, who pretend any right or title to the soile or government of the said lands, that they do with all speed and by the first convenience, send over hither persons, sufficiently empowered and instructed to make their right and title appeare to us; and that upon default thereof, wee will proceed to give such order for the government and settlement of the said Province, as wee shall judge to bee most consistent with justice and the good of such of our subjects, who already do inhabite or shall desire to make any further improvement within the said Province.

And whereas, wee have been humbly informed by our well-beloved subject, John Crown, gentleman, that his father, William Crown, had sustained a great losse by our surrendering Nova Scotia unto the French, of part of which country hee was proprietor; and therefore praying us to grant unto him the lands of Mount-hope, in New England, in compensation thereof, and wee having referred the consideration of that his humble suite to the Lords of the Committee of our Privy Councill

oreigne Plantations, and having received their opinion upon that matter, that it appears to them that the said land did belong to Sachim Philip and his adherents, and was conquered by our subjects in New England, in the late warr against the Indians, not without great charge and blood-shed. Wee have thought fit hereby to signifie the same to you, together with our pleasure, that you forthwith certify unto us, what right or title any of our Colonies there may pretend unto the said country, and also the true extent, value and propriety of the said lands of Mount-hope, with the grounds and evidence of their respective claimes, if any shall be made, that wee may thereupon bee enabled to give such further direction and order as may suit with our Royall justice and bounty. And wee cannot upon this occasion but take notice to you that wee have not hitherto received from you or any other of the said Colonies, the least intimation, much else account of the conquest, claime or disposall of the said country, not doubting but for the future you will be more carefull to advertise us or our Privy Councill of matters of this kind, and which do any way relate to our prerogative, or authority. And so wee, &c., given, &c., Whitehall, Febr. 12th, 1678-9, in the 31st year of our reigne.

By his Majesty's command.

SUNDERLAND.

To our trusty and well-beloved the Governor and Magistrates of the Colony of Rhode Island and Providence Plantations, in New England, now and for the time being.

The like letter above was sent to the other three Colonys, viz.: New Plymouth, Massachusetts and Connecticut.

Wee, the Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, in true and loyall obedience to his Majesty's long and yett continued favours, and late commands: hereby give notice, fore-warne and prohibitt, all persons of what degree soever, being and belonginge unto the towne of Westerly, adjoining to Pawcatuck, alas Narrogansett river, and any other place in the Niantick and Narragansett countrys, in the King's Province, from yielding, rendering or owninge any obedience unto the Collony of Connecticut, or any government, except the government of his Royall Majesty established in this his Collony of Rhode Island and Providence Plantations, and King's Province.

And this is further in his Majesty's name to require and command all the inhabitants of Westerly (alias Miscomquutt) aforesaid, to be observant and truly obedient as they ought to be, unto his Majesty's authority, according to his Royall pleasure, to and in this Collony derived, and placed; else they must expect to answer the contrary on such penaltys as the law in such cases hath provided.

By order of the Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, and King's Province.

JOHN SANFORD, Recorder.

Postscript. And further, this is to signify and declare, that by the authority aforesaid, all persons of what degree soe-ever, inhabiting or belonging to the jurisdiction of the Collony of Connecticut, are hereby in his Majesty's name fore-warned, forbidden and commanded, not to assert or exercise any authority or government, in any part of this Collony, on the east side of the afore-said Pawcatuck river, or they must expect to be presicuted against according to law and justice.

Signed by order of the Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, and King's Province, sitting at Newport, the 9th of July, 1679; and by their order the seale affixed.

Per JOHN SANFORD, Recorder.

Voted, That the above-written Prohibition shall be signed by the Recorder, on behalfe of this Assembly, with the seale of the Collony affixed.

Voted, That the duplicate of the Charter is committed to the keeping of the present Deputy Governor, untill called for by the Assembly.

Voted, That the Committee yesterday appointed to draw up our thankfull returnes to his Majesty, &c. ; and they not having finished that worke to them committed, are still continued, and the Honored Governor, the Deputy Governor, and John Sanford are added to them for the performance of that worke, and make returne to this Assembly for their approbation.

Letter to King Charles the Second.

Dread Sovereigne :

In true loyalty, we most humbly render your Royall Majesty an account of our receiving your gracious letter to us (by the hands of your faithfull subjects Capt'n Randall Howldon and Capt'n John Greene), bearing date at your Court at Whitehall, the 12th of February, 1678-9; and alsoe your Majesty's letters, to your Colonys Massachusetts, Plymouth and Connecticut: which wee have taken speciall care to deliver to the severall governments, according to your Royall directions. And as to your Royall commands to us, wee doe with all cheerfulness and alacrity yield obedience, and to the utmost of our abillity and power shall (soe farr as God shall enable us) readily and faithfully bee obedient to your Royall commands formerly and now ; and alsoe to such as your Majesty in your wisdom and justice shall please for the future to lay upon us : for the maintaining and upholding your Majesty's honour and interest, and the good and weale of your Majesty's loyall subjects, in these remote parts of your dominions, in this your Majesty's Collony of Rhode Island and Providence Plantations, in New England, in America.

And concerning the late war with the Indians, wee render your Majesty this account. It began in June, 1675, and first

broke forth between Sachim Phillip and the Collony of New Plymouth, and was prosecuted by the three United Collonys (as they tearm themselves), and afterwards severall other Nations of the Indians were concerned in the said war, whereby many or most of your Majesty's subjects in these parts were greatly distressed and ruined. Butt this your Majesty's Collony not being concerned in the said war, only as necessity required, for the defense of their lives, and what they could of their estates, and as countrymen and fellow subjects, did with our boats and provisions, assist and relieve our neighbours; wee being no otherwise concerned, cannot at present render your Majesty a full and ample account of those affaires; only this wee are bold to informe your Majesty, that Sachim Phillip, the beginner of the warr, was slaine (in Mount Hope neck, where the warr began) by an Indian belonging to this your Majesty's Collony. He was one of a small company under the command of a Captaine of Rhode Island, in this your Majesty's Collony, who was then in that engagement, with a Captaine of Plymouth forces as volunteers.

And most gracious Soveraigne, wee humbly beg your pardon for our remissness in not giveinge your Majesty an account sooner (soe far as wee were able) of those wars and troubles, in hopes for the future wee shall bee more carefull and observant.

And concerning that tract of land called Mount-hope, that belonged to Sachim Phillip and his adhereants, and were conquered by your Majesty's subjects of New England, in the late Indian war; the contents thereof is about seven thousand acres, a plat thereof we have caused to be taken, and herewith present to your Royall Majesty; the soil for the more part, is fertill, the vallue is esteemed to be three thousand pounds sterling, as now it is being uncultivated; the scittuation whereof being on the east side of the Narragansett Bay. And wee humbly conceive by your Majesty's gracious Charter to us granted (the easterly bounds whereof extends itselfe to the eastward of the said Bay three English miles), within which limmitts the said lands called Mount-hope Neck or the greater

part thereof, is scittuated. But it was by your Majesty's honorable Commissioners, when in these parts of your Majesty's territorys, settled to be under the government of New Plymouth, untill your Majesty's pleasure were further knowne.

And most dread Sovereign, wee in all humble manner implore and beg your Excellent Majesty in your gracious clemency and wisdom, to take the present condition of your poore subjects of this your Majesty's Collony of Rhode Island and Providence Plantations and King's Province, that those lands being within the limmitts of your gracious Charter to us, alsoe settled upon us by your Majesty's Honourable Commissioners, and now confirmed by your Royall Letters, as is above expressed; notwithstanding the United or Confederate Collonys (as they tearme themselves) have endeavored to insult over your loyall people, and have forbidden us the exercise of your Royall pleasure, as to the government thereof. And alsoe have as we are informed, consulted to dispose of the said Province lands, as their conquest. Though wee know such lands are only to be disposed at your Royall pleasure, which was the natives, unpurchased by the inhabitants of this your Majesty's Collony. That your Majesty will please in your benigne favour and bounty, to give and grant to us, the priviledges and libertys of the free and cleere enjoyment of the possession of all those lands, by your Majesty's subjects of this Collony, formerly leagally purchased by them of the native Indians. That thereby your Majesty's subjects, may be the better enabled to yield all due allegience and obedience unto your Majesty's authority in this your Collony; not doubting your Majesty in your Princely clemency will be pleased to encourage the settlement and increase of this your Majesty's Collony, and bee graciously pleased to understand that many of the youth and others of this your Majesty's Collony have been constrained for want of lands, to remove themselves and estates into other Collonys, to the great weakening and impoverishing of this your Majesty's Collony: the youth of this Collony being indisposed to live under any other government, being naturally inclined to true loyallty, as was and

is their predecessors, who ever had a loathing to any usurped power, repugnant to your Royall pleasure and authority. And therefore humbly beseech your Majesty that such of this your Collony, that want settlements, may be supplied out of those vacant lands, unsettled in your said Province, before any others.

And that it may be enjoyed upon the same tearmes as is expressed in your gracious Charter to us.

And dread Sovereigne, wee in all humble and bounden duty, prostrate our reall, true, hearty and thankfull acknowledgements unto your sacred Majesty, for all your former and present Royall favours and bountys to us your poore subjects of this your Collony, soe often and soe graciously extended, which wee hope will still bee continued ; and alsoe our humble thankfull returnes unto your Majesty for those your gracious favours on our behalfe, afforded to our honoured neighbours and friends, Capt'n Randall Howldon and Capt'n John Greene.

And wee returne our hearty praises to God Almighty, for your Majesty's wonderfull preservation and deliverance from that late hellish conspiracy against the life of your sacred Majesty, and the subversion of the Christian religion in your kingdoms ; with our hearty prayers to God to grant your Majesty a long, happy and prosperous reigne.

Wee humbly prostrate our selves and lives to your Majesty's feet, and in bounden duty remaine your Majesty's most loyall faithfull subjects, and humble servants.

Signed in the name and by order of the Generall Assembly of your Royall Majesty's Collony of Rhode Island and Providence Plantations.

JOHN CRANSTON, Governor.

Rhode Island, the 1st of August, 1679.

To our dread Sovereigne, Charles the 2d, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

Voted, That the Governor, the Deputy Governor and the Assistants on the Island, are desired and empowered to draw up letters unto those honored gentlemen in England, viz.: Sir Robert Southwell, William Blathwaite, Esq., Secretarys to his Majesty, and to Mr. Robert Mason, by way of thankfull returns to them for their noble respects to this Collony; and our honored friends Capt'n Randall Houldon, and Capt'n John Greene. And the Governor to signe the same in the name and on behalfe of this Assembly. And the Governor is desired to order and appoint the time for that worke, when if all appeare not, soe many as appear, are empowered to finish the same.

Voted, That a petition presented to this Assembly by Capt'n Randall Houldon and Capt'n John Greene, for the sum of forty-five pounds by them disbursed in England on the Collony's account; and fifteene pounds, their passages out of England. This Assembly doe owne their demand, and order the said money, being sixty pounds sterling, shall be truly paid and borne by the Collony.

Voted, And that for the payment of the aforesaid sum of sixty pounds, it shall be paid as followeth: the towne of Newport to pay the sum of eighteen pounds; the towne of Portsmouth eleven pounds; the towne of Providence four pounds; the towne of Warwick four pounds; the towne of Westerly four pounds; New Shoreham four pounds; Kings Towne six pounds; Greenwich three pounds; Jamestowne six pounds.

And it is ordered, That the said sums in each the respective townes to be assessed on the freemen and inhabitants of each towne, and be paid in by the severall townes unto the Generall Treasurer in money, or pay equivalent to money; and each towne is to bee at the charge according to proportion for that by law allowed to the Generall Treasurer for his sallery, over and above this assessment aforesaid. And the said sums are to be levied in each towne on or before the last day of August next, and brought in and delivered to the Generall Treasurer on or before the last day of September next, which shall forthwith upon receipt thereof, or any part thereof, be paid by the Generall Treasurer, as is after expressed. And upon neglect

or refusall of not levieing the assessment or non-payment, the same method and course to be taken and used, as is ordered concerning the £300 rate, last assessed by the Collony.

And further ordered, That whereas Capt'n Randall Howldon and Capt'n John Greene, inhabitants of the towne of Warwick, should have the sum of sixty pounds in New England money, as aforesaid, paid them by the Collony, in a rate to be levied upon the severall townes in this Collony, viz.: the towne of Newport, on Rhode Island, to pay the sum of eighteene pounds in money; the towne of Portsmouth, on said Island, to pay the sum of eleven pounds in money; the towne of Providence the sum of four pounds in money; the towne of Warwick the sum of four pounds in money; the towne of Kings Towne the sum of six pounds in money; the towne of Westerly the sum of four pounds in money; the towne of Shoreham the sum of four pounds in money; the towne of East Greenwich the sum of three pounds in money; the towne of Jamestowne the sum of six pounds in money, with the charges of transportation to Newport, and the Generall Treasurer's fees. And there being a necessity for the present money to answer the engagements of Capt'n Randall Howlden and Capt'n John Greene, Mr. Stephen Arnold haveing paid downe the said sum of sixty pounds upon the engagements of the severall persons here under written, to see him paid again, viz.: Major John Cranston, Governour, Mr. Walter Clarke, Deputy Governour, Mr. Caleb Carr and Mr. Joseph Clarke, haveing given their bills to Mr. Arnold for eighteen pounds, eight shillings, in money, Mr. Thomas Ward gave his bill for three pounds, twelve shillings in money; Capt'n John Albro, John Sanford, Mr. George Lawton and Mr. William Codman gave their bills for eleven pounds in money; Mr. John Warner gave his bill for fifteene pounds in money; Mr. Joseph Jencks gave his bill for four pounds in money; Mr. George Lawton gave his bill for four pounds in money, and Mr. John Williams gave his bill for four pounds in money. The said bills being given to Mr. Stephen Arnold for the payment of the sum of sixty pounds in money. Therefore these are to order the Generall Treasurer, Major Peleg Sanford, to

see that according to law the sum of sixty pounds money, with his fees for receiving and the charges, be gathered and insessed upon the inhabitants of each towne in the Collony, and brought by the last of October next, and be paid as it comes into his hands, to the severall persons according to their proportions, which have given their bills to Mr. Stephen Arnold for the same. And that the said sum of sixty pounds is not to be made use of, or any other wayes disposed than the true and absolute discharge of this the Collony's debt.

Voted, That whereas in the assessment made by the Assembly in October last, for the payment of the Collony's debts, money was ordered to be the principal rule for payments, and other species to be paid, a certaine price was sett, in which order wooll at six pence per pound, and great part of the said rate being brought in to the Generall Treasurer in wooll, which the Treasurer cannot refuse to receive, nor pay under the price assessed; neither at that rate can produce moneys: this Assembly doe order, That for what wooll the Treasurer hath received, and hath paid to Mr. Miles Forster, or to any person by him ordered to receive it, on the Collony's account for moneys due, shall be paid and accounted at five pence per pound, and the Treasurer shall be secured in paying wooll at that rate to the said Mr. Forster, or his order.

Voted, Whereas it hath evidently been made to appear to this Assembly that Mr. Richard Smith, inhabitting in Narragansett, in the King's Province, hath exhibited and layd a petition before his Majesty and the Honorable Lords of his Privy Councill, in the Kingdom of England, the said petition being composed with many false, untrue and unjust charges on the government of this his Majesty's Collony, and alsoe therein endeavouring the absolute overturn and subversion of this government under his Majesty, and bringing the same under the government of Connecticut, contrary to his Majesty's gracious grant in his Charter to us, which proceedings of his are against the law of this Collony, and true allegiance to his Majesty and his authority placed and established in this Collony: this Assembly, in due obedience to his Majesty's honour and authority

doe see cause to order, That the said Richard Smith, with all convenient speed bee apprehended, secured and duly examined, and prosicuted for those his unlawfull actings. And to that end, and for the full and reall performance of the premises, this Assembly doe desire that with all convenient speed the Governor be pleased by a warrant under his hand, to cause the said Mr. Richard Smith to be apprehended and brought before the Governor, or Deputy Governor, and such of the Councill as may be present, to be dealt withall as the Governor and Councill shall see cause to be just and legall, according to the meritt of his offense.*

** Petition of Richard Smith and others.*

To the King's Most Excellent Majesty. The humble petition of Richard Smith, in behalfe of himselfe, John Winthrop, Esq'r, Josiah Winsloe, William Harris, John Viall and others, proprietors and inhabitants on a tract of land called the Narragansett Country, part of your Majesty's dominions in New England Sheweth:

That your petitioners are inhabitants in that part of New England called the Narragansett Country, where their ancestors did about forty years since sit down and expend great sums of money in planting and improveing the same.

That in the 13th year of your Majesty's reigne, upon the humble petition of John Winthrop, Esq'r, John Mason, Samuell Willis and others, inhabitants in the southernmost parts of New England, your Majesty was graciously pleased to incorporate the said inhabitants by the name of the Governour and Company of Connecticut Colony, giving and granting unto them and their successors, all the part of land in New England, in America, bounded on the east by the Narragansett Bay, with the Island adjoyning thereunto.

That in the 15th yeare of your Majesty's reigne, John Clark, on behalfe of Benjamin Arnold, Wm. Brenton and others, procured a grant of Incorporation likewise from your Majesty, by the name of the Governour and Company of Rhode Island, and the rest of the Colony of Providence Plantation in the Narragansett Bay in New England, thereby including (as they pretend) all the lands planted by your petitioners, and formerly granted to the Governor and Company of your Majesty's Colony of Connecticut, as aforesaid.

That your petitioners finding many inconveniences arising daily by reason of a government usurped by the inhabitants of Rhode Island, on the pretence aforesaid, the exercising and imposing other lawes and formes of government, than what your petitioners had been accustomed unto, did about seven years agoe by the hand of Richard Smith, the present petitioner, who came then alsoe into England, [to] present their humble petition to your Majesty, signed by the principall proprietors and inhabitants in the said Narragansett Country, setting forth the many irregularities in the proceedings of the government of Rhode Island, and humbly prayed your Majesty's reliefe therein; but the warrs with Holland and other weighty affaires of

Voted, Whereas upon a petition of Capt'n John Albro to this Assembly in May last, in behalfe of his sonn John Albro,

State intervening, your petitioners were referred to a more convenient time ; by which means your petitioners are without any settled government.

That in the time of the late Indian warr, the petitioners sent to the government of Rhode Island for their protection and defence, which was absolutely denyed them, the then Governor of Rhode Island being a Quaker, and thought it perhaps not lawfull either to give commission or take up armes ; so that their townes, goods, corne, and cattle were by the savage natives burnt and totally destroyed : whereby the petitioners are become great sufferers in their estates and fortunes.

Your petitioners therefore humbly pray your Majesty to take the matter into your gracious consideration, and to grant your Royall letters, directed to the government of Rhode Island, requiring them to forbear to exercise any authority over the inhabitants of the Narragansett country ; but that your petitioners and other inhabitants of the said country, together with the Islands Quonaniquett, Hope, Patience and Dutch Island, thereunto belonging, may be settled and restored unto the government and jurisdiction of your Majesty's Governour and Company of Connecticut Colony, according to your Majesty's precedent grant, and so remaine untill your Majesty's pleasure be further knowne.

And your petitioners shall ever pray, &c.

RICHARD SMITH,

In behalfe of himselfe, and others above mentioned.

Order in Councill, on the petition of Richard Smith and others.

At the Court at Whitehall, the 3d of July, 1678.

By the King's Most Excellent Majesty and the Lords of his Majesty's most Honorable Privy Councill.

Upon reading this day, at the Board, the humble petition of Richard Smith, in behalfe of himselfe, John Winthrop, Esq'r, Josiah Winsloe, William Harris, John Vyall, and others, proprietors and inhabitants on a tract of land called the Narragansett Country, part of his Majesty's dominions in New England, setting forth the many great inconveniences arising dayly by reason of a government usurped over them by the inhabitants of Rhode Island, on pretence of a Charter of Incorporation granted to them in the 15th yeare of his Majesty's reigne, and praying his Majesty's letters to the government of Rhode Island to forbear to exercise any authority over the inhabitants of the Narragansett Country, but that they together with the lands Quonaniquett, Hope, Patience and Dutch Island thereunto belonging, may, according to his Majesty's precedent grant in the 13th year of his reigne, be settled and restored unto the government and jurisdiction of the Connecticut Colony. It was ordered by his Majesty in Councill, that it be, and is hereby referred to the Right Honorable the Lords of the Committee of this Board for Trade and Plantations, to examine and consider of the matter of this Petition, and to report to his Majesty in Councill how they find the same, with their opinion, what they judge most fit to be done for redressing the inconveniencys complained of.

JOHN NICHOLAS.

Jun'r, concerning a verdict of the jury in the Generall Court of Tryalls (held the 12th of said May), against his said sonn John Albro, upon which petition, the Assembly did see cause to order the Court of Tryalls to suspend judgment, referring the further consideration of that matter to their next sitting, as is more fully expressed in that act; and this Assembly haveing perused the said petition, and seariously considered the matter, doe referr the further consideration of that matter unto the Generall Assembly in October next, to judge of and determine.

Voted, That the Generall Sergeant shall from time to time take care for the providing victualls for the members of the Generall Assemblys and Courts of Tryalls, as is ordered in the act of the Assembly sitting in May last, and shall be truly paid by the Generall Treasurer.

Voted, That an order be given from this Assembly by the Recorder to the Generall Treasurer for the payment of twenty-

Warrant for apprehending Richard Smith.

To Mr. John Easton, one of his Majesty's Constables for the towne of Newport, or any other of his Majesty's Constables of said Towne, or Towne of Portsmouth, greeting :

These are in his Majesty's name, King of England, Scotland, France and Ireland, &c., to require you or either of you forthwith upon sight hereof, to apprehend the body of Richard Smith, merchant, inhabitant in the Narragansett, in the King's Province, in his Majesty's Colony of Rhode Island and Providence Plantations, and him the said Smith finding or apprehending, to secure and bring before us in the towne of Newport, the next Wednesday, the twenty-third (23) day of this instant moneth, July, 1679, and then and there to answer to such charges as shall bee exhibited against him; and also to the examinations that the authority shall see cause to premise, in his Majesty's behalfe. Hereof fail not at your perill.

Given under hands, the 19th day of July, 1679.—(*J. Carter Brown's Mss. Vol. II. Nos. 132-4.*)

JOHN CRANSTON, Governor.

WALTER CLARK, Deputy Governor.

CALEB CARR, Assistant.

THOMAS WARD, "

A true copy of the warrant, by

JOHN EASTON, Jun'r, Constable.

[For additional papers relative to the controversy connected with the Narragansett country, see the end of this session.]

two shillings in money, to be paid to the Generall Sergeant for the payment of Robert Lovis for a dinner by the said Lovis, made for this Assembly.

Voted, Whereas there is an act made by the Generall Assembly in the yeare 1678, wherein is expressed that noe rate, tax or mulct shall be laid or imposed upon the inhabitants of this Collony, before each respective towne have legall notice from the Governor or Deputy Governor, by warrant, this Assembly upon the searious consideration thereof, and finding that clause in the said act to be prejudiciall to the carrying on and managment of the publick affaires and weale of this Collony, doe therefore see cause, and repeale and make null the said clause in that act; and order, That it shall be lawfull for the Generall Assembly at any time being to assess and impose such rates, taxes and mulcts on the inhabitants of this Collony as to them now, or at any time for the future, shall appear necessary for the maintaininge his Majesty's authority, and the good and weale of this his Majesty's Collony; any law or act to the contrary thereof in any wise notwithstanding.

Voted, That in pursuance of and obedience to his Majesty's gracious favours, and for the settlement of his Majesty's authority and government in the King's Province, it is ordered, That the Governor or Deputy Governor, with six of the Assistants at least, when the Governor shall see cause to order, shall goe to the said King's Province, and endeavour the performance of his Majesty's favours and commands to us granted, according to his Commissioners' determination.

Voted, That the Recorder doe draw a copy of his Majesty's letter to this Collony, brought by Capt'n Randall Howldon and Capt'n John Greene, and the said copy shall be sent in the first place to the towne of Providence, and from thence with all expedition to the towne of Warwick, and soe with all expedition from towne to towne, unto all the townes on the maine land in the King's Province; and in each towne to be published to the inhabitants, that thereby his Majesty's pleasure may be duly made knowne; and that towne or townes that desire and are willing to keep a copy of the letter, have liberty to take one:

soe that it be speedily done, not to hinder the expedition of the publication thereof. And then the said originall copy to be returned to the Recorder's office ; and alsoe, that the King's letter, or copy thereof, shall be published in the townes of Newport, Portsmouth, New Shoreham, and Jamestowne.

And alsoe ordered, That the Governor, Deputy Governor and the Assistants in Newport ; the Assistants, or Conservators of the Peace in each the other townes, shall take care and order the publication thereof.

Voted, That whereas there is a dayly expectation that his Honor, Sir Edmund Andros, Governor of New Yorke, will give us a visitt, and if he please soe to doe, that he may be suteably honored and accommodated as a person of his high degree and worthiness (according to our abillity), this Assembly doe fully recommend the performance thereof unto the care and orderinge of our Honored Governor, and the Generall Treasurer, Major Peleg Sanford ; the charge thereof to be borne and paid by the Collony.

Voted, Upon a petition presented by William Clarke, this Assembly doe forgive him the paying five shillings.

Voted, William Clarke haveing petitioned this Assembly concerning severall Indians by him and his Company taken in the time of the warr, he then being Commander of one of the sloops in the yeare 1676, which as he affirmeth, were taken from him and disposed of by the authority on the Island, without giving him satisfaction, and therein desireing reliefe from this Assembly.

The Assembly, upon the searious consideration of the matter, doe see good cause to recommend his case to the Councils of the townes of Newport and Portsmouth, to take effectuall care, and soe far as appeare just, to answer the petitioner for his reliefe.

Voted, Whereas Edward Lay, of Portsmouth, hath petitioned this Assembly to be granted the liberty of keeping an Inn, or house of entertainment in the towne of Portsmouth, under the injunctions by law ordered and appointed, pleadinge age and debillity of body to hard labor : this Assembly, upon the

searious consideration thereof, doe recommend to the towne of Portsmouth their desires that they considering the petitioner's reasons in his petition and other searious considerations, they doe condescend to the petitioner's desire, and if he transgress therein, to be proceeded against according to law.

Voted, The Recorder shall draw forth the copy of the act of the Generall Assembly in October, 1674, concerninge the confirming of the act of the Generall Councill, in establishing a towneshipp in Narragansett, and calling it Kings Towne, which shall be sent to the inhabitants there, under the seale of the Collony.

Voted, Wee have received a letter from the Honored Governor Winslow, of Plymouth, that we desire to survey Mount Hope Neck, Mr. James Browne, and Capt'n John Browne will assist in doeing it.

The Assembly doe conceive it necessary to have the said Mount Hope Neck surveyed, in order to render an exact account thereof unto his Majesty. This Assembly doe therefore desire and employ John Smith, to survey the said Neck, and draw two draughts thereof. And John Borden is desired to behelpfull to and assist John Smith in that worke, and the charge thereof shall be borne and paid by the Collony.

Voted, Whereas the proprietors of Potowomet and the proprietors of East Greenwich, and the proprietors with Capt'n John Foanes, haveing amongst themselves made a loveinge agreement, by which said agreement Capt'n John Foanes with twenty-three others his partners, are allowed to be part of the inhabitants of East Greenwich, and are to have their lands without the former engagement laid upon it in the first granting the said lands, each division is to be according to the platt here presented in Court. And whereas there were three purchasers of a place called Maskachusett, those three persons are hereby esteemed to be three proprietors of the said East Greenwich, without the injunction of building. And whereas, there hath been a grant of Court to severall persons that are not yett settled in East Greenwich, this Assembly doe order, that if there bee not roome in East Greenwich for their accom-

modation, that then they shall be first accommodated in the next towneshipp, except it bee such as have forfeited their grant.

Voted, That the Recorder shall give forth copys under the seale, of the acts of this Assembly, to all the townes in this Collony, soe as the said copys may be ready to be sent to each towne within three weeks time of the adjournment of this Assembly ; and the Recorder is to take care for the sending the copys to each towne, to pay the Recorder the sum of nine shillings in or as money, for each copy.

Voted, That the Recorder, John Sanford's bill for six pounds, ten shillings currant pay, is owned and accepted, and ordered to be paid by the Generall Treasurer.

Voted, The Recorder is ordered to write in the behalfe of this Assembly to Mr. James Browne, to signifie to him that wee have employed John Smith and John Borden to survey Mount Hope Neck, and desire their concurrence.

Voted, This Assembly is adjourned untill the first Wednesday in September next, then to assemble againe at Newport ; but if there doe present occasion to the Governor, or in his absence, to the Deputy Governor, they are to bee convened before that time.

DOCUMENTS RELATING TO THE NARRAGANSETT COUNTRY.

Certificate of John Greene concerning the Narragansett Country.

TO ALL WHOM THIS MAY CONCERN.

I, John Greene, inhabiting in the Narragansett Country, called King's Province, I being sworn a Conservator of the Peace, do on my oath affirme, that forty years and more, Mr. Richard Smith, that I then lived with, did first begin and make a settlement in the Narragansett, and that by the consent and with the approbation of the Indian Princes and people, and did improve land mow meadows severall yeares before Warwick was settled by any English man ; and I do declare, that I being present, did see and heare all the Narragansett Princes, being assembled together give by livery, and seizing some hundreds of acres of land about a mile in length, and so downe to the sea ; this being about thirty years agoe, many hundred Indians

being then present, consenting thereunto. I doe alsoe declare, and by these presents affirme, that in all the times of our late troubles, we the inhabitants of the King's Province, have had no reliefe or assistance from Rhode Island government, although we have often complayned to them of the injuries done us by the heathen, which made us apply our selves to the Massachusetts government for reliefe and safety, the Indians being very insolent and bold then towards the English. Nor had we or could we have any reliefe in the time of the late war to keep any one place or house in the whole King's Province. This I certify to be true, as I am in publique office, on oath, and under my hand.

King's Province, in Narragansett, this 21 of July, 1679.

JOHN GREENE.

Testimony of Roger Williams concerning the Narragansett Country.

Providence, 2d July, 1679 (ut vulgo).

I Roger Williams, of Providenc, in the Nanhigonsett Bay, in New England, being (by God's mercy) the first beginner of the Mother Towne of Providence, and of the Colony of Rhode Island and Providence Plantations, being now neere to fower score yeare of age, yet (by God's mercy) of sound understanding and memorie, doe humbly and faithfully declare, that Mr. Richard Smith, Sen'r, deceased, who for his conscience toward God, left a fair possession in Glocestershire, and adventured with his relations and estate to New England, and was a most acceptable and prime leading man in Taunton, in Plymouth Collony, for his conscience sake (many differences arising) he left Taunton and came to the Nahigonsik countrey, where (by the mercy of God and) the favour of the Nahigonsik Sachims, he broke the ice (at his great charges and hazards), and put up in the thickest of the barbarians, the first English house amongst them.

2. I humbly testifie that about forty-two years from this date, he kept possession (coming and going), himselfe, children and servants, and he had quiet possession of his howsing, land and meadows, and there in his own house, with much serenity of soule and comfort, he yielded up his spirit to God (the Father of spirits) in peace.

3. I doe humbly and faithfully testifie (as aforesaid), that since his departure, his honored son, Captain Richard Smith, hath kept possession (with much acceptation with English and Pagans) of his father's howsing, lands and meadows, with great improvement; allso by his great cost and industrie. And in the late bloudie Pagan war, I knowingly testifie, that it pleased the Most High to make use of himselfe in person, his howsing, goods, corne, provision and cattell for a garrison and supply to the whole army of New England, under the command of the ever to be honored Gen'l Winslow, for the service of his Majesty's honour and countrey in New England.

4. I doe alsoe humbly declare, that the aforesaid Capt'n Richard Smith, Jun'r ought by all the rules of justice, equitie and gratitude (to his Honored Father and himselfe), be fairly treated with, considered, recruited, honoured, and by his Majesty's authority confirmed and established in a peacefull possession of his Father's and his own possessions in this Pagan wilderness and Nahigonsik countrey.

The premises I humbly testifie, as leaving this countrey and this world.

(Signed.)

ROGER WILLIAMS.

Taken upon oath, this twenty-one day of July, 1679, before me, John Whipple, Assistant of this his Majesty's Colony of Road-Island and Providence Plantations, in New England, in America.

Petition from the inhabitants of the Narragansett Country to the King.

To the King's Most Excellent Majesty. The humble Petition and Remonstrance of your subjects, the inhabitants of the Narragansett Countrey, in the southerne parts of New England, called by your Majesty's Commissioners the King's Province.

May it please your Majesty: About forty-two yeares since, the father of one of your petitioners, namely, Richard Smith, deceased, who sold his possessions in Gloucestershire, and came into New England, began the first settlement of the Narragansett Country (then liveing at Taunton, in the Colony of New Plymouth), and erected a trading house on the same tract of land where now his son Richard Smith inhabits, not only at his cost and charge, but great hazard, not without the consent and approbation of the natives, who then were very numerous, and gave him land to sett his house on, being well sattisfied in his comeing thither, that they might be supplied with such necessaries as affore times they wanted, and that at their owne homes, without much travell for the same. The said Richard Smith likewise being as well pleased in his new settlement in a double respect; first, that hee might bee instrumentall under God in the propagating the gospell among the natives, who knew not God as they aught to know him, and took great paines therein to his dying day; secondly, that that place might afford him a refuge and shelter in time to come, for the future subsistence of him and his; wherein he was not only deceived in his expectation for loosing almost all hee had in the Indian war among the Dutch, where hee likewise made a settlement, chose at last this place of Narragansett for his only abode; no English liveing neerer to him than Pawtuxet, at his first settling, being neare twenty miles from him. That place now called Warwick, was not then thought on. Much about that time, some gentlemen of the Massachusetts Collony removed from their habitations and came to the Narragansett Bay and purchased of the natives an Island in said Bay, and called it Rhode Island; Mr. Wm. Coddington being the chiefest of them, and who only purchased the same, and was the first and chiefest Governor they had for many yeares; settling up among themselves a government by consent for the well ordering of their owne affaires, and for the peace and security thereof. In process of time, that place called Warwick, was settled by Mr. Gorton and Holden and others; whereby Richard Smith, aforesaid, had some neighbours nearer to him; and afterwards Mr. Roger Williams, of Providence, likewise came to Narraganset and built a house for trade, near unto the former house of Richard Smiths, who in some short time quitted his settlement, and sold it to the said Richard Smith, who lived there alone for many yeares, his house being the resting place and rendezvous for all travellers passing that way, which was of great benefit and use to the country; and was at no small cost and charge therein for many years together, to the great reliefe of all travellers. But time, that produces changes, caused him, being wearie of living alone in a desolate wilderness; yet haveing plenty of Indians and wild creatures, to desire neighborhood and invited his neighbours in New England to purchase of the Indians and settle the countrey with him, which accordingly some well-affected persons of Rhode Island, and some of the Massachusetts Collony, Connecticut and New Plymouth joyned with the said Richard Smith and his son Richard Smith, your present petitioner, who lived there with his father, and made two small purchases of two tracts of land by the sea-side. And much about the same time some of Rhode Island pur-

chased an Island in the Bay called by the natives Quononaquat, and another company of Rhode Island and Boston joyned together, but most of Rhode Island purchased another tract of land in the Narragansett country, to the southward of that above-mentioned, first for the digging of black lead, afterwards for their further settlement; whereby the country came to be inhabited with English to the great cost and charge of the first settlers. The country being all this while under no settled government; yet claimed by severall Collonies by virtue of grants from some Lords in England in the times of the troubles there. But no settled government till your Majesty was pleased to grant your gracious Letters Pattents to Connecticut and Rhode Island, both which including the Narragansett Country, caused great troubles to the inhabitants by making them offenders for not complying with either as they were commanded, when in truth they knew not whom to submit to; and was the only hinderance of the settlement of that country. Some of the purchasers and the proprietors thereof choosing to submit unto the government of Connecticut, as per articles of agreement made between the Agents of each Colony in England, by the Lord Brewerton, Capt'n Deane, Major Thompson, Doctor Worsley and Capt'n Brookhaven, may appear. Yet notwithstanding this proved ineffectuall to the ends of peace and unity so much desired, to the great grievance and discouragement of the inhabitants that were there minded to improve their settlements; though some of the same purchasers haveing sold their rights to others, now endeavor to obstruct the rest of their co-purchasers in the enjoyment of theirs; but differences still increasing about the government, your Majesty's Commissioners in the yeare 1694, viz.: Sir Robert Carr, Collonell Cartwright, and Samuell Maverick, gave the name of King's Province to the Narragansett Country, and forbid any persons of any jurisdiction whatsoever to exercise any authority in the said King's Province; but who should be authorized by them under their hands and seales untill your Majesty's pleasure was further knowne. Since which the said Commissioners granted forth orders for settling part thereof; as to Mr. Brown, Capt'n Willit and others. Notwithstanding which the government of Rhode Island hath of late forced a settlement upon some of our said lands contrary to the said Commissioners' orders and your Majesty's letter as lately, at a place they called East Greenwich. In the times of these troubles and contests, the Indians proved insolent and very injurious to your petitioners, the inhabitants, not without private abettors, as was suspected, killed our cattle, destroyed our creatures and plundered some of our houses, soe that wee were hardly able to live among them; some of us loosing in some few yeares neare 150 head of cattle. And when complaint was made to our superiours at Rhode Island, wee could have no reliefe, which made some of us apply ourselves to the Massachusetts Collony for redress of these outrages and enormities committed against us, according to an order of your Majesty's, granted unto them about the yeare 1663, but still were without remedy; which many of us foresaw would end in a warr with the Indians if not timely and wisely prevented. Which afterwards came on apace, to the ruin and destruction of your petitioners' visible estates in that Province. So that it became a desolate wilderness againe; and instead of Christian people, replenished with howling wolves and other wild creatures. But it pleased the Lord in his due time to put a period to these warrs, and your petitioners the former inhabitants, went over from Rhode Island, whither wee retreated with that little wee had left, where it cost us one halfe of our cattle to keep the rest and carry us over. So cold was their charity to their poore neighbours in distress; and then and since imposed taxes on us, when

your petitioners had hardly any thing left for the subsistence of themselves and little ones; and settled in the King's Province againe, when very dangerous liveing in [cellars and holes] under ground, till wee got a little beforehand to rebuild, which with our owne industry and hard laboure, wee hope in time to effect, if not discouraged and hindered by many that threaten to turn us off. May it please your Majesty, this being in short, the true state of affaires of the Narragansett Country and the people there inhabiting, from the first settlement to this present time. Your petitioners, the inhabitants thereof, do humbly supplicate your Majesty, as you have been pleased to send your gracious letters to the foure Collonys of New England strictly to will and require them to take care of the inhabitants there at present, so that you would in your princely wisdom and Royall bounty and justice, for the future vouchsafe an eye of favour upon the poore inhabitants your petitioners, the first settlers thereof, in a more peculiar manner, who have been at great cost and charge, and have laid out (most of us) all wee have in this world upon the same, and are not able to subsist, if removed from thence; it being now become in a manner our native country to some of us, and is as to many of our children who were there borne; and we hope and promise for ourselves and children that shall succeed us, that your Majesty in no part of New England shall have more loyall and faithful subjects than your present petitioners; humbly requesting and desiring, that your Majesty would put an end to these differences about the government thereof, which hath been so fatall to the prosperitie of the place; animosities still ariseing in peoples' minds, as they stand affected to this or that government, and may be wronged and injured by either government of these that take place, the transactions of former things being fresh in memory, an impartiall and equall judicature being the great and earnest the desires of your petitioners to live under, being wearied out with the former contests and the troubles wee have mett with from both Collonies commanding us, do all of us unanimously and with one consent supplicate your Majesty not to leave us to the government and dispose of those that seek advantages against us. The country being large and able to containe many families, may make an entire Province, if your Majestye see cause. And your petitioners shall ever pray, &c. And subscribe your Majesty's humble, loyall and obedient subjects.

King's Province, in Narragansett, July 29, 1679.

(Signed in one hand). William Bently, Henry Gardner, John Greene, Richard Smith, Nicholas Gardner, Benj. Gardner, John Coale, Jer. Bull, Geo. Gardner, Sam. Eldred, Tho. Gold, Daniel Greene, Arthur Aylworth, Geo. Whitman, Sam. Wilson, Hen. Reynolds, Robert Vinin, James Greene, James Reynolds, John Eldred, James Reynolds, Thomas Sovell, Daniel Eldred, Rob't Spink, Daniel Swete, Rob't Spink, Jun'r, Joseph Dalauer, Sam. Alsbery, John Shelldin, Alexander Fenix, William Gardner, William Coston, Henry Tipets, John Sheldon, Jun'r, Aron Jackwaies, William Knolls, Frell Newton, Thos. Brooks, Rouse Helme, Geo. Palmer, Joseph Reynolds, Lodwick Updike.

(Indorsed.) Petition of the inhabitants of the Narragansett Country.

Received from Mr. Lewyn the 3d March, 1679-80.

Answer of Randall Holden and John Greene of Warwick, to the Petition of Richard Smith and others, of the Narragansett Country.

To the Right Honorable the Lords Committees of Trade and Plantations:

In obedience to your Lordships' order of the 30th of July last, requiring us, see

far as we are able, to give information to your Lordships and make answer to a petition lately presented to his Majesty by Mr. Richard Smith, in behalfe of himselfe and others, declaring themselves to belong to his Majesty's Collony of Connecticut, in New England, and complaining of matters done by the government of his Majesty's Collony of Rhode Island.

Wee, Randall Holden and John Greene, inhabitants af the towne of Warwick, within the said Collony of Rhode Island, doe humbly informe your Lordships, that whereas the said Richard Smith, and others named in the petition, call themselves proprietors and inhabitants on a tract of land called the Narragansett Country, wee doe much wonder at their confidence to challenge the lands, forasmuch as they cannot bee ignorant that his Majesty is sole proprietor thereof, and soe declared by his Majesty's most Honorable Commissioners in 1665, and by them called and since known by the name of the King's Province; who having then duly heard the matter of their claim, upon their complaint against his Majesty's Collony of Rhode Island and Providence Plantations, for notwithstanding them in their intrusions; as alsoe his Majesty's subjects the Indian Sachems' allegations with respect to their deed made in 1659, for those lands his Majesty's said Commissioners did declare their pretended Indian purchase void, and required them speedily to quit the said lands. Copies of writings that are pertinent to these matters wee have to show. And did moreover prohibit the Collony of Connecticut as well as other Collonies, from exercising any jurisdiction there, John Winthrop, Governour of Connecticut Collony being then present. And did then immediately order the temporary jurisdiction of those lands to the Governour and Assistants of his Majesty's Collony of Rhode Island and Providence Plantations, untill his Majesty's further pleasure should bee known, as by their order, ready to bee produced may appear.

That about four years after, his Majesty's Collony of Connecticut raised new disturbances, claiming jurisdiction of the King's Province. Whereupon there was a treaty held at New London with them; but they remaining obstinate and perverse, the Collony of Rhode Island made appeal to his Majesty; but they refused any such appeale, and, by violence and force, compelled one town, viz.: Westerly, to submit to them, and have ever since endeavored to break in farther into the said Province, not regarding the decision of his Majesty's Commissioners, nor his Majesty's own Royall determination thereof, by his declaration of the 10th of April, 1666, wherein his Majesty signified his pleasure in these words following: "And for the better prevention of all differences and disputes upon the bounds and limits of the severall Collonies, his Majesty's pleasure is, that all determinations made by his Majesty's Commissioners, with reference as to the said bounds and limits, may still continue, and bee observed till, upon a full representation of all pretences, his Majesty shall make his own final determination. And his Majesty expects that full obedience, bee given to this signification of his pleasure in all particulars." Nevertheless they strive to take those lands by force from his Majesty, under pretext of conquest from those Indians, forbidding us to build upon our own lands, or repair our late ruined habitations. Yet in the meane time, under pretence of high loyalty, petition his Majesty for the same.

As to the complaint, that the petitioners sent to the government of Rhode Island for help in the late Indian warr, and which, hee saith was absolutely denyed them, wee know and doe say, that the petitioners not only disclaimed the jurisdiction of said Collony, but alsoe used all means hee could to bring in the jurisdiction of Connecticut upon us. Nevertheless the other Collonys forces wee judge dealt not well

by him ; for after they had made use of his house for their head quarters, and put a garrison in it, yet suddenly after deserted it, soe that it was soon after burned by the Indians. And for what hee alleges that the then Governor of Rhode Island being a Quaker, thought it not lawfull to grant Commissioners ; wee answer, there were Commissions given forth in the beginning of the warr with the Sachem Philip, and the other Collonies having desired assistance of this our Collony of Rhode Island accordingly good assistance was given them by our sloops well manned, transporting their soldiers, and oftentimes venturing hard on shore to fetch off their men, when they were in danger to bee surprized, taking care of their wounded men, and providing quarters for them, which matters being alsoe treated on in our reply to the paper given by the Massachusetts Agents to your Lordships, wee shall not here further enlarge.

But forasmuch as we are members of his Majesty's Collony of Rhode Island, in whose stead wee answer ; wee most humbly petition his Majesty that hee will bee graciously pleased to continue our jurisdiction entire, and order the Collony of Connecticut to restore the place taken from us, and to prohibit them the exercise of any jurisdiction within the same ; and we hope wee shall continue (as in duty and allegiance bound), as wee have always been since his Majesty's most happy restoration to his Royall Throne, ready to assent and yeeld all obedience to his supreme authority, not making our Pattents a cloak for contempt, or warrant to disobey and oppose his Royall commands.

(Signed.)

RANDALL HOWLDEN,
JOHN GREENE.

Order of Councill relative to the Narragansett Country.

At the Court at Whitehall, 4 December, 1678. Present.
The King's most Excellent Majesty in Councill.

Whereas, Randall Holden and John Greene, Deputies from the town of Warwick, in the Colony of Rhode Island, did this day represent unto his Majesty in Councill that some persons within the Corporation of the Massachusetts Bay, had by a printed paper affixed in public places in New England, laid claime to a tract of land, called the King's Province, which of right belongs to his Majesty, and to the jurisdiction of Rhode Island ; and the said printed paper having been also read at the Board, his Majesty was pleased to order that a copy of the said paper be sent unto William Stoughton and Peter Bulkley, Agents for the Massachusetts Colony, who are hereby directed to attend his Majesty in Councill on Fryday, the 6th instant, and there to show by what authority or title the said claimants pretend unto the lands mentioned in the paper. The said Agents are likewise ordered at the same time to informe the Board, what obedience has been rendered within the Massachusetts Collony to his Majesty's letter of the 27th of Aprill, 1678, enjoining the Magistrates and other inhabitants thereof, to take the oath of allegiance unto his Majesty, according to the forme there enclosed.

Order of Councill relative to the Narragansett Country.

At the Court at Whitehall, 13 December, 1678. Present.
The King's most Excellent Majesty in Councill.

Whereas, William Stoughton and Peter Bulkeley, Agents for the Corporation of

the Massachusetts Bay, in New England, did this day attend his Majesty, pursuant to an order of the 4th instant, directing them to show what authority or title Simon Bradstreet, Deputy Governor, and other inhabitants of that Colony, have by a printed paper called an Advertisement, dated at Boston, the 30th of July last, laid claime to the lands of Narrhagansitt and Niantick Countries, called the King's Province; and did thereupon declare that the Government of the Massachusetts is not at all concerned in this claime, but only some inhabitants, who had purchased those lands from the Indian Sachems.

And whereas Randall Holden and John Greene, Deputies of the towne of Warwick, in the Colony of Rhode Island, did certifie the Board of their certain knowledge, as having inhabited that country for about forty years, that never any legall purchase had been made thereof, from the Indians by the Massachusetts or any others, and there being likewise read an act of the voluntary submission of the the Chife Sachem, and the rest of the Princes, with the whole people of the Narragansetts, unto the government of his late Majesty, together with two Declarations made by his Majesty's Commissioners, on the 20th of March, 1664, and 8th of Aprill, 1665, whereby it appears that they had then received from some of the principall Sachims of the Narragansett Indians a surrender of themselves, their subjects and their lands to the Government and dispose of his Majesty, not only by their personall acknowledgements and sending his Majesty some presents, but by presenting the Commissioners with the Deed aforementioned of the 19th of Aprill, 1664. And that as for the pretended purchases made by Major Atherton and others of the Massachusetts Colony, his Majesty's said Commissioners did then declare the said purchases to bee void, and ordered the said purchasers to leave the possession and use of those lands. And that the Magistrates of Rhode Island should exercise the authority of Justices of the Peace in the Narragansett Country, by them called the King's Province; and to do whatever they should think for the peace and safety thereof, untill his Majesty's pleasure should be further known.

His Majesty having taken this matter into his Royall consideration, is graciously pleased to order, as it is hereby ordered, that the Right Honorable Mr. Secretary Coventry do prepare letters for his Royall signature, requiring the respective Colonys and their inhabitants, in New England, to leave all things relating to the said Country of Narragansett, or King's Province, in the same condition as it now is, or has lately been in as to the possession and government thereof, and withall giving them to understand that as his Majesty is informed that not only the absolute and immediate sovereignty, but the particular propriety of all that country is vested in his Majesty by the surrender of the Sachims, so it is his Royall pleasure that all such persons who pretend any right or title either to the soile and government to the said lands, do with all speed and by the first convenience send over persons sufficiently empowered and entrusted, to make the same appeare unto his Majesty, and that upon such default, his Majesty will give such order for the government and settlement of the said Province, as shall best sute with his justice, and the good of his subjects, who are already inhabiting, or shall desire to make any further improvement within the said Province.

Letter from New Plymouth to the King, relative to the Narragansett Country and Mount Hope.

New Plymouth, July 1st, 1679.

Dread Sovereigne: Wee have very lately received your Majesty's commands by letter given given from your Court, at Whitehall, bearing date Febr. the 12th, 1678-9, one-and-thirtieth year of your gracefull reigne, signifying your Royall pleasure respecting the claimes and claimors of lands in the Narragansett and Niantick Country, or King's Province, and have made it fully known to such of this your Colony as pretend to any interest there, by virtue of purchase made by Major Atherton, &c., who declare their humble submission to your Majesty's commands and orders respecting that matter, still hoping they shall obtaine your just favour in enjoyment and settlement in their right to lands in those parts.

By the same letter your Majesty is graciously pleased to tell us how that Mr. John Crowne hath petitioned your Majesty to grant him the lands of Mount-hope, in New England, in compensation of losse his father sustained by rendition of Nova Scotia to the French, and that your princely wisdom and justice guided your Majesty not only to commend it to consideration of the Lords of the Committtee of your Privy Councill for Foreign Plantations, but also to lay your commands on us and give us opportunity to informe your Majesty what right or title wee suppose wee have to that country, with the true extent, value and propriety of the said lands of Mount-hope, with the grounds and evidences of our claime; that your Majesty may thereupon bee enabled to give such further direction and order, as may suit with your Royall justice and bounty. May it therefore please your sacred Majesty, after our humble acknowledgement of that favour, to give us leave to make this free and plaine declaration of the matter according to truth.

The lands of Mount-hope (as their Lordships righty informed), did belong to Sachim Philip, the grand rebell to your Majesty, and first and principall disturber of the peace of these your Colonies, and is cleerly and unquestionably within the Patent Grant made by your Royall predecessors to this your most ancient Colony of New Plymouth (within which, none might purchase or any way obtaine lands of the natives, but ourselves, or such as the authority of this Collony allowed), and these lands with some others, were (as their Honours also reported) conquered by the joint forces of your subjects of the Massachusetts, Connecticut and New Plymouth, by the expense of more than one hundred thousand pounds, besides an inestimable damage sustained by particular plantations and persons, and which was yett of greater value by the losse of the lives of many hundreds of our brethren, children and choice friends. The profitts of the warr (excepting a few prisoners taken in the latter end thereof) was only land, and this Colony haveing borne their full proportion both in forces and charge, and being the seat of the warr, suffered more in proportion than any had; Mount-hope, with a small ragged neck of land, more adjoining to it for our part of profit by agreement of the Confederate Colonys, wee allowing them one thousand pounds, because our lands were judged more valuable than theirs, and Mount-hope with its appurtenances by farr the better part of all our conquest lands, wee have putt to sale for three thousand pounds, but have not yett found our Chapmen. The quantity of Mount-hope, wee estimate to bee seven thousand acres at the most; part of it good soyle, and much of it rocky, mountainous and barren. But that which commends it, and causeth us highly to esteem it, and earnestly to begg that by your Majesty's justice and favour, wee may

enjoy and not bee^d deprived of it, is not only because wee have fought for it and paid for it, and many of us bled for it, but because this Colony for want of good harbours could never yet make any considerable improvement of the sea ; but these places are well accommodated for the settlement of a sea port town or two ; whereby wee hope wee may in a few yeares bee more serviceable to your Majesty and live more happily.

Having given your Majesty this short, but wee hope satisfactory account concerning those lands, wee would in the next place humbly offer this word of answer to that which your Majesty is pleased to blame us for, and which were indeed an inexcusable fact, if so, that in all this time wee had not given your Majesty an account of the warr and successe of it. Wee now plainly perceive, that wee have been greatly abused by miscarriage of letters directed to your Majesty, both from the Colony, and particularly from your servant our Governour, bearing date the 12th of June, 1677, coppys whereof wee are bold to transmitt with these, and hope wee shall find out the originalls themselves, and small present of our Governor's therein mentioned, too small, hee acknowledgeth, to bee directed to so great a Prince, yet the best hee could obtaine, and was a reall testimony of his loyalty and cordial respect. Wee know they came safe to London, and hope to have them presented (though very untimely) to your Majesty's view ; and wee earnestly begg your Royall and favourable consideration, whither of the letters themselves or copys that come to your princely hand, that this poor Colony, that made the first settlement in this wilderness with great hazard and through many difficulties to spread the gospell and enlarge the dominion of our King, and who have at all times given such testimonys of our loyalty and good affection to your Majesty's person and interest, as wee had opportunity for, and a poor people were capable of ; may not by misinformation of any evill minded persons our neighbours or others, bee deprived of that little wee have to live upon ; our whole Pattent is but a very narrow strip of land, and generally very mean ; and your people here by God's goodnesse greatly increased, and should wee bee eaten out by our neighbours of Rhode Island, unto whom wee have in a sense given being (as is hinted in our former letter), it would argue high ingratitude in them, and wee should account it the worst of deaths, not to tire your Majesty with prolixitie, wee would only add, that having written to your Majesty about two years since, which untill now wee doubted not were received, wee did believe your Majesty had been thereby fully satisfied, and did thereupon presume to dispose of some of those conquered lands, in order to a settlement ; which should your Majesty, by donation or grant to any others reverse, it would reduce us to great straits and plunges, wee having the thousand pounds above-mentioned to pay, and many lame souldiers, widdows and orphans to provide for. Wee shall cheerfully wayte and hope from your princely justice and clemency, to obtaine a favorable answer, and humbly crave to receive it as speedily as may stand with your Majesty's conveniency and good pleasure ; for that it is of great importance to us, and will we hope in short time appeere to bee your Majesty's interest also, that wee make speedy settlement of trading plantations there.

According to your Majesty's command, our Governour was carefull the last year, to give your Majesty an account of the tryall of the controversy between Mr. Harris, of Patuxet, and his neighbours, but meet an unhappy disappointment therein also. For not knowing but that Sec'r. Williamson had proved still faithfull to your Majesty's service and held his place, hee writt to him and enclosed the whole transaction of that affaire by him to bee communicated to your Majesty ; but before his

letters arrived at London, hee was dismissed from that trust, and so the letters and papers were sent back, and by this first appportunity are herewith presented.

Craving your Majesty's pardon for a gracious acceptation of these unpolished lines, heartily blessing God for his protection of your sacred Majesty from the plots and attempts of those worst of men, and praying dayly on our bended knees, that Almighty God will still bless your Majesty and make you a long lived blessing to the Nation, wee crave leave to subscribe—

Great Sir, your unworthy supplyants and humble and most
loyall subjects of your Colony of New Plymouth.

NATH: MORTON, Secr.,
By order of the Generall Court.

Letter from the King to the Collony of New Plymouth.

At the Court at Whitehall, the 2d July, 1679. Present.

The King's most Excellent Majesty in Councill.

There being this day presented to the Board a Report from the Honorable the Lords of the Committee for Trade and Plantations in the words following, viz.:

May it please your Majesty: Wee have received your Majesty's reference in Councill of the 23d of May last, concerning the pretensions of William Harris, of Patuxet, in New England, and in obedience thereunto, wee humbly report that the petitioner did, by his petition presented to your Majesty in Councill, on the 11th of June, 1673, sett forth the great wrong done him and his partners, by severall persons who detained the lands which they had purchased from the Indians; whereupon your Majesty was pleased to command by your Royall letters, the Governors of the severall Colonies, in New England, to appoint some able, honest and indifferent persons to bee joined together with full and sufficient authority to cause the differences and troubles arising to the petitioner and his partners, concerning the lands of Patuxet to bee brought to a fair tryall, and that by an indifferent and upright jury, all might be finally determined according to justice. In pursuance whereof, the said Commissioners having mett, and the jury appointed by them having given five verdicts in favour of the petitioner and his partners, a statement of those proceedings, signed by severall of the Commissioners, was returned to your Majesty by the Governors of your Collonies of the Massachusetts and Rhode Island, for your Majesty's determination upon that whole affair. But at the same time, a petition was offered unto your Majesty by Randall Holden and John Greene, in behalfe of themselves and other your subjects, the inhabitants of the town of Warwick, and of other adjacent places belonging to your Colony of Rhode Island and Providence Plantations, complaining of the injustice of the second verdict given against them and other inhabitants of the town of Warwick, and in consideration of the complainants' humble appeal unto your Majesty, together with the reasons and evidences alleged by them in justification of their right in the lands possessed by them as not appearing to bee any part of the lands of Patuxet, which only by your Majesty's commisssion were to bee brought to a tryall, your Majesty was pleased to order on the 2d of January last, that the inhabitants of the town of Warwick should not bee disturbed in the quiet possession of the said lands, and that all things relating thereunto should remain in the state they were in before the meeting of the said Commissioners, untill William Harris and partners should before your Majesty in Councill, make out a sufficient title thereunto. And whereas the

said Holden and Greene were no sooner departed, but the petitioner William Harris, hath made his appearance, beseeching your Majesty to take such course as might finally determine the matters complained of by him.

Wee are humbly of opinion that by reason of the distance of places, and absence of parties, it will bee a matter of too great difficulty for your Majesty to give such judgment therein as may equally decide their respective pretensions.

And whereas, the said Holden and Greene did offer their exceptions against the Colonys of the Massachusetts and Connecticut, upon divers past differences between them, and that on the other side the petitioner, William Harris, thinks hee has just cause to except against the Colony of Rhode Island as being particularly interested in the present controversy.

Wee therefore humbly offer, that your Majesty's Royall commands be again sent to the Governor and Magistrates of your Colony of New Plymouth, authorizing and requiring them to call before them the said Randolph Holden and John Greene, and other persons in whose behalfe they have lately appealed unto your Majesty, and having in due manner examined the pretensions of the said Harris unto lands possessed by them, do returne unto your Majesty a particular statement thereof, and their opinions thereupon, with all convenient speed.

And whereas, your Majesty hath already thought fitt to order that the said Wm. Harris and partners, bee peaceably and quietly possessed of the lands of Patuxet, and adjudged unto them by the first and three last verdicts, given in pursuance of your Majesty's late Commission. We further offer, that the Governor and Magistrates of the Colony of Rhode Island, to whose jurisdiction the said lands appertaine, bee strictly charged to putt the said William Harris and partners into the quiet possession thereof, and to take care that execution bee given for their damage and costs allowed by the said verdicts within the space of three months at furthest after the receipt of your Majesty's commands: and that in default thereof, sufficient powers may be sent unto the neighbouring Colony of New Plymouth to cause the same to be duly executed without delay.

All which, &c. Councill Chamber, 19 June, 1679.

SHAFTSBURY PR. BRIDGWATER,
FAUCONBERG,
THO: DOLMAN.

Which Report having been this day read at the Board and approved of, their Lordships were pleased to order, That one of his Majesty's Principall Secretarys of State doe prepare letters for his Majesty's Royall signature, as well to the Governor and Magistrates of his Majesty's Colony of New Plymouth to examine the pretension of the said William Harris unto the lands possessed by Randall Holden, John Greene, and others, and to returne a particular statement thereof, with their opinions, to his Majesty, with all convenient speed, as to the Governor and Magistrates of the Colony of Rhode Island, to putt him, the said Harris and partners in the peaceable and quiet possession of the lands of Patuxet, adjudged to them by the first and three last verdicts, given in pursuance of his Majesty's late Commission, together with the costs and damages, according to the tenour of the above-mentioned Report.

JOHN NICHOLAS.

[The foregoing documents are from the Manuscript Collection of State Papers in the Library of J. Carter Brown, Esq.]

At a Court held in his Majesty's name, and under his authority, at the towne of Westerly, in the King's Province, the 17th of September, 1679.

There being present,
Major John Cranston, Governor.

ASSISTANTS.

Mr. Caleb Carr,
Mr. Joseph Clarke,
Capt'n Arthur Fenner,
John Sanford,
Capt'n Samuel Gorton,

Mr. Thomas Greene.

SECRETARY.

John Sanford.

GENERAL SERGEANT.

Edmund Calverly.

Proclamation openly made of the Court's being and sittinge.

The Suncksquaw, Ninecraft's daughter, appearing in this Court, and complaining about some injury done her by Harman Garrett's claiminge part of her lands, she produced some writeings in Court, to evince her complaint, this Court doe order, that the Secretary take copys thereof.

The inhabitants of Westerly being by warrant required to appeare at this Court to give the oath of allegiance to his Majesty, and of fidellity to his Majesty's authority, for this Collony, these persons here under named appeared, and gave oath, viz.:

Mr. Tobias Saunders,
Robert Burdick,
Edward Larkin,
John Fairfield,
John Randall,
John Macoone,
Daniell Crome,
James Badcock,
Joseph Clarke,
Capt'n James Pembrton,

Gersham Cotterill,
Henry Hall, Sen'r,
William Champion,
James Crandall,
Peter Crandall,
John Lewis,
Christopher Champion,
Henry Hall, Jun'r,
Jonathan Lewis,
Thomas Burdick,

Mr. Thomas Wells, Sen'r,
John Badcocke,
George Lampheare,
Jeffery Champion,
Nicholas Cotterill,
Job Badcocke,
Richard Swaight,

John Balmiter,
John Wells,
Thomas Wells, Jun'r,
Richard Parssmore,
Joseph Pembrlton,
John Parner.

The oath given by the above written persons was in these followinge words :

I doe truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world, that our Soverreign Lord, King Charles, is lawfull and rightfull King of the Realm of England, and of all other his dominions and countries ; and that the Pope, neither of himselfe, nor by any authority of the Church, or See of Rome, or by any other meanes with any other, hath any power or authority to depose the King, or to dispose of his Majesty's kingdoms or dominions, or to authorize any forreigne prince to invade, or annoy him, or his country, or to discharge any of his subjects from their allegiance and obedience to his Majesty ; or to give licence or leave to any of them to beare armes, raise tumults, or offer any violence or hurt to his Majesty's Royall person, State or Government, or to any of his Majesty's subjects within his Majesty's dominions. Alsoe I doe sweare from my heart, that notwithstanding any declaration or sentence of excommunication, or deprivation, made or granted, or to be made or granted by the Pope or his successors, or by any authority derived or pretended to be derived from him or his See against the said King, his heires or successors, or any absolution of the said subjects from their obedience, I will beare faith and true allegiance to his Majesty, his heires and successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever which shall be made against his or their persons, their Crowne and dignity, by reason or clause of any such sentence or declaration or otherwise, and will doe my best endeavour to disclose, and make knowne unto his Majesty, his heires and successors, all treasons and traiter-

ous conspiracies, which I shall know or hear of, to be against him or any of them. And I doe further sweare, that I doe from my heart, abhor, detest and abjure as impious and heretical, this damnable doctrine and position, that princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever. And I doe believe and in my conscience am resolved, that neither the Pope nor any person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to bee ministered unto me; and doe renounce all pardons and dispensations to the contrary. And all these things I doe plainly and sincerely acknowledge and sweare according to these express words by me spoken, according to the plaine and common sense and understandinge of the same words, without any equivocation or mentall evasion or secrett reservation whatsoever. And further, I doe here solemnly engage all true and loyall obedience unto his Majesty's authority placed and established in this his Collony of Rhode Island and Providence Plantations, and King's Province. And I doe make this recognition heartily, willingly, and truly, upon the true faith of a Christian. So help me God.

Ordered, That the commission and power formerly granted to Mr. Tobias Saunders and Mr. John Crandall, by the Governor and Councill, bearinge date the 21st of May, 1669, is continued, and placed on [record]. Mr. Tobias Saunders and the Governour are empowered to signe the same; the said Mr. Saunders haveing in this Court given his engagement.

Whereas, this Court have received a paper from a Court at New London, signed William Leete, Governour, called a Protest,* it is ordered, That an answer from this Court bee made.

** Letter from Connecticut to Rhode Island.*

New London, Sept. 16, 1679.

Gent. :—Not having intelligence vntill now, at New London, of your rash and presumptius motions to come and keep an affronting Court within the limits of Stonington, while we are keeping Court here for that county, and some of those inhab-

A true Copy of the Answer.

Westerly, one of the frontier townes in the
 King's Majesty's Province, the 17th of
 September, 1679, at a Court then and
 there held in his Majesty's name.

Gentlemen : Wee received some lines, bearing date September 16th, 1679, in an open pamphlett, by the hands of Mr. Thomas Minor, the 17th instant, in the eveining, said by him to be sent to us by yourselves, the truth whereof wee very much questioned.

1. Because the superscription is directed not mentioninge the Governour's name nor the Collony he belongs to.

2. Because the lines doe import untrue charges, together with threats of violence, which if wee were certaine the lines were written from your selfe to us, yett neither flattery nor threats can withdraw us from our loyalty ; nor deterr us from executinge the King's business in his Province, according to his Royall commands ; into which upon all occasions your

itants are under summons hitherto to be responsible ; but doe not appeare, as is supposed, by your interruption, &c., or occasion taken from this intrusion of yours. These things look vpon vs more like incendiary actings than a peaceable carriage of loueing neighbours, liveing in a juncture of great troubles in England, which may retarde an issue of our applications thither ; where the matter betwixt yourselves and vs depending, in obedience to his Majesty's orders vnto all the Colonys respectively ; being the same (for substance) as we are informed, whereupon we have been willing to sit silent for the interim : and loth to vse violence to repell incroachments, although you doe continue thus to be vrgeing vs therevnto. But we cannot now in duty omit hereby to send, and make protestations against this and all other your illegall and irregular vsurpations of authority and incroachments, within our just and knowne Pattent limits ; and therefore your pretenses haue had an indifferent bearing and determination in England.

Gent., we would request you not to be too hasty to drive on commotions, so immediately after our late troubles with barbarians ; to begin intestine vexations amongst Christian neighbours. Yet haueing thus friendly giuen notice and made protest, we take leane and subscribe ourselves,

Your loueing friends and neighbours,

WILLIAM LEETE, Gov'r,

With consent of the County Court assembled.

To the Honoured Governour and other authority of Rhode Island, if present, at Squamacuck.

selves have striven to intrude, notwithstandinge [the] decision of the matter in our Pattent, as alsoe his Majesty's Honorable Commissioners' orders ; as if you violate their actions in contempt of his Majesty, which said orders are mentioned to you in his Majesty's late letter, which cannot be deemed but as a justification of our proceedings and the contrary to you. And whereas you say the matter is depending in England, you know wee have severall times according to our Pattent, signified our appeale to his Majesty, unto you, by our letters, whereunto you have refused to answer, as by your letters may be made to appeare.

Furthermore, bee it knowe to you, wee come hither only to continue the jurisdiction of his Majesty's Province, as wee have formerly done, and not to sett up a new one ; although you, by your violent intrusion, have compelled the inhabitants to the contrary, which wee hope for the future you will forbear. Therein you will give occasion for us remaine your friends and neighbours.

JOHN CRANSTON,

Governor of his Majesty's Collony of Rhode
Island and Providence Plantations, and
King's Province.

To the Honoured William Leete, Governor at New London,
if there, or elsewhere. These,

Per THOMAS MINOR.

*Proceedings of the Generall Assembly held for the Collony of
Rhode Island and Providence Plantations at Newport, the 30th
day of October, 1679.*

The Governor chosen Moderator.

The Recorder chosen Clerke.

Voted, Arthur Cooke is admitted a freeman of this
Collony.

Voted, This Assembly is adjourned untill Monday, the 10th of November next.

November 10th.

The Assembly called and satt.

Voted, That Henry Straite, petitioning this Assembly therein haveing represented that he beinge by one of the inhabitants of East Greenwich, viz.: Henry Brightman, desired and employed to build on his land at said Greenwich, and soe doinge, the said Brightman haveing surrendered his right to the said lands, the petitioner, Henry Straite, is accepted into the privileges of Henry Brightman, in and to the said lands at Greenwich.

Voted, Upon a petition presented by the towne of Westerly, for the running the Westerly line of this Collony, and the enlargement of the towne of Westerly.

Voted, That there bee men appointed to run the Westerly line of this his Majesty's Collony of Rhode Island and Providence Plantations, and King's Province, according to the Charter, and King's Commissioners' order; and the same to be done by or before the 25th of March next.

The persons chosen and appointed to run the said line, are Capt'n John Albro and Mr. John Smith; the charge thereof to be duly and truly borne and paid by the Collony. They are to begin that work on the first Tuesday in March next, or the next fair season.

And ordered, That the Generall Recorder doe with all convenient speed draw up a signification hereof, to be signed by the Governor, unto the government of Connecticut, and therein not only to acquaint, but alsoe desire their loveing and neighbourly compliyanse in running the said Westerly line.

Voted, Upon the petition of Job Haukins, he is granted liberty to settle on and improve forty acres of land in the Narragansett Country, in the King's Province, untill his Majesty's pleasure be further knowne; provided, the same be in such vacant lands, that it doth not intrench upon the just right or title of any others.

Voted, Upon the petition of John Macandrew, alias Andrews, to this Generall Assembly, that they would be pleased to remitt the sentence of the Generall Court of Tryalls against him. The reasons contained in the said petition being the great infirmity of his body, and the smallness of his estate; which said reasons being to us made apparent, and alsoe there being no evidence against him but the woman's accusation, and his incapacity to maintaine his family. Upon the consideration whereof, this Assembly doe remitt and take off the corporall punishment due to him, the said John Macandrew, by the law of this Collony; and alsoe five pounds of the pecuniary mulct or fine, due by the law aforesaid. And alsoe this Assembly doe hereby further order, That the Recorder shall not grant forth execution for the remainder of the fine due by law, untill the Generall Assembly give order for it, hoping that this our clemency and good will, will not in any wise encourage him nor any others to offend against law in the like manner.

Voted, This Assembly doth recommend to the Councill of the towne of Portsmouth, that they are desired to desire Mary Pococke, the Executrix of the late deceased John Almy, to give an account of what is become of the estate of the said late deceased John Almy, left by the Councill of the said Portsmouth, in her custody. It being reported that the said Executrix hath paid and disbursed for payment of said Almy's debts farr more than the estate left in the possession of the Executrix. And the Councill are desired to make returne thereof to the next sittinge of this Assembly.

Voted, This Assembly is adjourned untill Tuesday, the 2d day of December next.

December the 2d.

According to the afforesaid adjournment the Assembly called and satt.

Voted, The reasons presented by the Committee appointed by this Assembly to returne to them their understandings concerning the case of John Albro, Jun'r, and Margaret Hall,

for the barring of judgment goeing forth against them, are accepted, and the Assembly doe therefore order, That judgment shall not goe forth against them, nor either of them.

Voted, Whereas, there was an action of unjust mollestation commenced by Christopher Almy, plaintiff, against John Pococke, defendant, at the Generall Court of Tryalls held for this his Majesty's Collony in October last past, and the said action being prossicuted, the jury brought in for the plaintiff; and the said Court haveing suspended judgment for the present, and the matter or consequence thereof being referred to this Assembly, and wee haveing seariously considered and debated on the premises, doe see cause to transfer and returne the matter to the wisdom and consideration of the Generall Court of Tryalls, together with our opinions, which are that all cases of that nature are not actionall, and suppose judgment in this present case ought to be barred forever.

Voted, Whereas William Harris, of the towne of Providence, haveing petitioned this Assembly for the sum of ten pounds by him paid in England, on the Collony's account, by him paid to Capt'n Richard Deane, about nine yeares since, this Assembly, upon the searious consideration of the said demand, doe see cause, and hereby doe order, That the said sum be truly paid by the Generall Treasurer of this Collony, unto the said Harris, with all convenient speed.

Voted, Upon the presentation of Capt'n John Albro, Assistant, for the sum of three pounds, twelve shillings, four pence, in or as money, by him disbursed, being arrested as an Assistant of this Collony, at the complaint of Mr. John Saffin, of Boston, to the Court at Boston, 28th of October, 1679, this Assembly doe owne the said demand, and doe order, That the said sum of three pounds, twelve shillings, four pence, shall be paid unto the said Capt'n John Albro, by the Generall Treasurer of this Collony.

Voted, This Assembly, upon the searious consideration of the great necessity for the more full and cleer statinge of the laws of this Collony, concerninge probate of wills and intestates, order, That a Committee be appointed and empowered

by this Assembly to draw up some more cleer method in matters of that nature, and make returne of what they agree on, and shall draw up, unto the next sitting of this Assembly, or else unto the Generall Assembly in May for their approbation. And alsoe they, or the major part of them, are empowered to draw up and present, as aforesaid, such other matters as to them shall seem necessary and needfull for the publick good of this Collony.

The persons chosen and empowered, are the Governor, the Deputy Governor, Mr. Thomas Ward, Capt'n John Albro, Mr. Wm. Wodell.

Voted, This Assembly is adjourned untill Monday, the 5th of January next.

January 5th, 1679-80.

Accordinge to the aforesaid adjournment, the Assembly satt.

Voted, That a Committee be chosen and appointed by this Assembly to draw up a letter to his Majesty on the behalfe of this Collony, and to represent what they draw up, unto this Assembly for confirmation.

The persons chosen, are Mr. Thomas Ward and Capt'n Samuel Gorton, Assistants, Mr. James Barker, Capt'n John Foanes, and John Sanford, Recorder.

Voted, The returne of the Committe for drawing up a letter to his Majesty, haveing been openly read, is approved ; only in the transcript, it is referred to the Governor, the Deputy Governor, and John Sanford, to amplify the same, as to the method.*

** Letter from Governor Cranston to the King.*

Most Gracious and dread Sovereigne :

Your Majesty's humble and leige subjects of your Collony of Rhode Island and Providence Plantations, &c., haveing sensibly tasted and experienced soe largely of your Royall favours, bounty and benignity, with that Princely care to preserve and uphold us in peace and quietness in the enjoyment of those priviledges your Majesty hath been pleased to bestow upon us your unworthy subjects in these remote parts, by your Royall letters Pattents, for which we are for ever oblided to render

Voted, Upon a petition of Mrs. Elizabeth Cunnigrave, unto this Assembly, therein declareing that she by reason of age

all submissive and humble acknowledgements. And therefore, in all humility we doe still beseech and humbly pray, that your Majesty will please to extend and continue your Royall grace and favour unto us, in our preservation from any that may endeavor to deprive or eclipse the same, and that your Majesty will be graciously p' eased in your Royall favour to us, not to receive or entertaine any information against us. So as that absolute determination should be to our inconveniency, till we may have opportunity to answer in our owne defence, and for your Majesty's further information as to your Majesty's Province. And although by reason of many disturbancys and interruptions from the Collony of Connecticut, &c., prosecuted with great vigor, to the great detriment and damage, of many your Majesty's subjects in this Collony, which might have occasioned us to represent the same to your Majesty at large by our humble addresses, for default whereof, we humbly crave pardon; being very much incapacitated to affect the same, by reason of the great ruins, made and received by the late war with the natives, and whereby we have been constrained to sit under the burthen of many annoyances for want of ability to present our grievances unto your Majesty; whereby we only from your Majesty pray reliefe.

And whereas, there hath been a long continued difference betweene your Majesty's Collony of Connecticut and our selves concerning right of jurisdiction, to whom formerly we have offered severall times to represent the matter to your Majesty's Royall determination, but they would not condescend thereunto. But now in this juncture of time, we haveing received an intimation from the Collony of Connecticut, concerning their intention to send an Agent or Agents, to plead their cause before your Majesty, and soe may endeavour, by extraordinary expedition to render us negligent or defective; they giveing us no account of the time when they would send. Wee doe humbly beseech your Majesty's favourable construction on our behalfe, soe far as that we may have time and opportunity granted to make our reply; and that your poore yett loyall and hearty subjects, may allways remaine in your especiall protection (we being encompassed with many oppositions), that thereby we may be preserved from the violence of others, and be only responsible to our Sovereigne Lord the King, to make our true defence against complaints (that in envy to us) may be represented to your Majesty.

And most dread Sovereigne, in all loyall obedience and bounden duty to your sacred Majesty, we prostrate our selves and cause at your Majesty's feet, begging your Majesty's gracious pardon for what weakness herein may appeare in us, with our hearty prayers to Almighty God to grant your Majesty a long, peaceable and happy reigne. In all humillity we subscribe our selves your Majesty's most faithfull subjects, and oblidged servants, the Generall Assembly of your Majesty's Collony of Rhode Island and Providence Plantations, &c., sitting at Newport, the 6th of January, 1679-80.

(Signed.)

JOHN CRANSTON, Governor.

Postscript. And most gracious Sovereigne, according unto your Majesty's Royall commands from your Court of Windsor, by your Royall letters bearing date the 9th of July, 1679, concerning verdicts of jury and judgments of an especiall Court

and weakness, is unable to gett a livelihood, and is in wants, this Assembly, upon searious consideration of her condition, doe referr and remitt that matter unto the towne of Newport, as being proper to them to take effectuall care and course amongst themselves, for the supply of the said Elizabeth Cungrave.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 10th of March, 1680.

The Governor chosen Moderator.

John Sanford chosen Clerke.

Voted, That a Committee be chosen and appointed, to bee assistant to the Governor, to consider of, and draw up an answer to the twenty-seven queries sent from the Lords of his Majesty's most Honorable Privy Councill, to this Collony, and returne what they draw up to this Assembly for their consideration and approbation.

of Commissioners in favour of William Harris and partners, the said Court being held at Providence (and began the 3d day of October, 1677), against John Towers, of Hingham; Mr. Gregory Dexter, Capt'n Arthur Fenner and the towne of Providence; John Harrod, Roger Burlingham, and Thomas Relph and Edmund Calverly, &c., we doe in all humble manner herewith present at your Majesty's feet, our proceedings in those affaires, which we would have sent in the ship that William Harris went lately for England in; but William Harris was soe secret and private in his voyage, that he never come to us to know what we had done, by way of returne to your Majesty, neither did he let us know of his goeing. And great Sir, doe subscribe, and in all humillity acknowledge our selves your Majesty's most faithfull subjects; the Governor and Magistrates of your Majesty's Collony of Rhode Island and Providence Plantations, &c.

(Signed.)

JOHN CRANSTON, Governor.

Dated at Newport, the 6th day of January, 1679-80.

(Addressed.) To our dread Sovereigne Lord, Charles the Second, King of Great Britain, France and Ireland, Defender of the Faith, &c.

(Indorsed.) Rhode Island, 6th January, 1679-80. From the Collony of Rhode Island, to the King. Received from the Earl of Sunderland, the 30th of June, 1680.—*J. Carter Brown's Ms. Vol. II. No. 126.*

The persons appointed and chosen, are the Deputy Governor, Mr. Thomas Ward, Mr. James Barker, Mr. John Coggeshall, Capt'n Arthur Fenner, Mr. John Whipple, Mr. Joseph Jencks, Lieut. William Codman, Mr. William Wodell, Mr. Peleg Tripp, Capt'n Samuell Gorton, Mr. Thomas Greene, Capt'n John Greene, Mr. John Maxon, Mr. John Williams, Capt'n Edward Richmond, and Capt'n John Foanes.

Voted, This Assembly is adjourned till to-morrow, one of the clock, after noone.

March the 11th.

The Assembly called and satt.

Voted, Whereas the Governor, who was chosen Moderator of this Assembly, is by God's Providence soe visitted with sickness, that he is detained from the Assembly; and there being severall matters of great concerne to this Collony, for which the Assembly was called, that are of necessity to be resolved by the Assembly, this Assembly doe judge and conclude, That by the Charter and former precedent in the like case, that dureing the time of the Governor's absence from this present Assembly, the Deputy Governor supply the place of Moderator of this Assembly.

Voted, This Assembly is adjourned till Monday, the 15th instant.

March 15th.

The Assembly called and satt.

Voted, In order to the funerall of our honored deceased Governor, John Cranston, this Assembly is adjourned till to-morrow morning, eight of the clock.

March 16th, 1680.

The Assembly called and satt.

Voted, Whereas it hath pleased God, that our honored Governor, John Cranston, deceased since the time of this Assembly's sitting (on the 12th of this instant month), this Assembly doe conceive it of necessity, and doe order and agree to proceed to the election of another in his roome or stead.

Major Peleg Sanford chosen Governor, and engaged in open Assembly.

The Governor chosen Moderator.

Voted, The Deputy Governor, Capt'n Arthur Fenner, Mr. John Coggeshall Capt'n Randall Howldon, Mr. Peleg Tripp, and John Sanford, are chosen a Committee to goe to Mrs. Mary Cranston, widow to our late deceased honored Governor Cranston, Esq'r, for the Charter, and all other writeings belonging to the Collony, that were in the late Governor Cranston's custody, and have power to give the said Mrs. Cranston a full discharge in behalfe of this Assembly for what they receive ; who are to returne the same to this Assembly forthwith.

Voted, The Committee to goe to Mrs. Cranston for the Charter, &c., they haveing returned to this Assembly, the Charter and other particulars mentioned in their receipt, this Assembly have received them ; and they are in this present Assembly delivered to the present Governor's custody.

Voted, Whether an Agent be forthwith sent for England, or that for the present the sending of an Agent be suspended. The major vote was for the negative, that the sending of an Agent be at present suspended.

Voted, It is ordered, that moneys be raised, and that the respective townes and places in this Collony shall pay each respective towne and place their just and equall proportion of all such charges and assessments as the Generall Assembly shall see cause for the sending an Agent for England. And this to be recommended to each severall and respective towne and place in this Collony, and that each of the said severall and respective townes and places, shall give a true returne according to the best of their understanding, what each severall towne will and can conveniently pay towards the disbursement for sending an Agent for England, if the Generall Assembly see cause ; and all such returnes to be made from each respective towne and place to the Generall Assembly that shall be in May next.

Voted, Whereas there was an act of the Generall Assembly, in October last, for running of the Westerly line of this Collo-

ny, which by reason of the wetness of the weather, and the height of the rivers and ponds, it could not conveniently be done according to the time appointed by the said Assembly ; this Assembly, upon searious and mature déliberation, conceive and judge it of necessity, that the said Westerly line be speedily run and sett: doe therefore order and enact, That the said Westerly line, or soe much of it as conveniently may now be done, shall be sett and marked, according to the survayers' discretion, soe farr as they shall see convenient, from the sea.

The persons chosen and appointed to run the said line, are Capt'n John Albro, whoe was afore-appointed, and (whereas John Smith, whoe was afore-appointed, beinge removed out of this Collony) Mr. Peleg Tripp is in his stead added to Capt'n John Albro, for the performance of that worke.

And it is ordered, That the said Capt'n John Albro and Mr. Peleg Tripp shall bee kept indemnified for their acting, in running the said line. And the charges, both to themselves and such as they shall employ in that worke, shall be truly borne and paid by the Generall Treasury of this Collony. And they are to begin and proceed in the premises, with what speed may bee, and make a true returne of what they doe therein, unto the next Generall Assembly.

Voted, Upon a petition of Richard Pray, unto this Assembly, for the remitting a sentence of the Generall Court of Tryalls, in October, 1678, against him for the sum of tenn pounds by him forfeited, beinge bound, and not acordingly attending said Court of Tryalls ; and in his pleadinge God's hand upon him by sickness, to be the absolute occasion of his non-appearance at said Court, which assertion of his was made to appeare to this Assembly, and alsoe considering the poverty of the petitioner, this Assembly doe see good cause, and doe remitt the forfeiture of the said Richard Pray's bond, and the sentence of the said Court thereon, he paying the Recorder's fees.

Voted, Upon a petition of Benjamin Hernden, of Providence, unto this Assembly, for the remittinge a sentence of the Generall Court of Tryalls, against his wife Elizabeth, in October, 1678, he pleading his great poverty, and the debility of both

himselfe and wife, with some other reasons to the satisfaction of the Assembly, this Assembly see cause, and doe absolutely remitt the said fine and sentence of the said Court against the said Elizabeth Hernden, fees being paid to the officers.

Voted, Upon a petition of Samuell Comstock unto this Assembly, for the remitting of a fine and sentence of the Generall Court of Tryall, held in October, 1678, against him, for the sum of forty shilling, and in his said petition rendering such reasons as are to the Assembly's satisfaction, this Assembly see good cause, and doe remitt his said fine, he the said Comstock paying officers' fees.

Voted, Upon a petition of Joseph Card, of Newport, unto this Assembly, for the remitting a fine, by the Generall Court of Tryall, held in October, 1678, of twenty shillings, for not attending said Court on the jury, and he pleading illness and sickness at that time, this Assembly doe remitt the said Joseph Card's fine.

Voted, Upon the presentation of Lieut. John Dexter, of Providence, for the remitting a fine of tenn shillings, layd upon him for not attending the jury of the Generall Court of Tryalls, held in October last, this Assembly doe see cause to remitt the fine.

Voted, Upon the information of Mr. John Whipple and Mr. Joseph Jenks, that Samuell Tieft, though chosen a jury-man by the towne of Providence, to attend the jury at the Generall Court of Tryalls, held in May last, yett had noe warninge by the Sergeant, and he the said Tieft, beinge by said Court of Tryalls, fined twenty shillings, this Assembly doe see cause to remitt the said Tieft's fine.

Voted, Upon a presentation from John Tillinghast, of Providence, whoe was fined the sum of twenty shillings, for not attendinge the jury at the Generall Court of Tryalls, held in October last, and reasons being rendered to the Assembly's satisfaction, this Assembly doe see good cause to remitt the said Tillinghast his fine.

Voted, That the Recorder doe forthwith transcribe the acts of this Assembly for runninge the Westerly line of this Collo-

ny, and affix the seale of the Collony thereto, and deliver the same unto Capt'n John Albro, and Mr. Peleg Tripp, or either of them.

Voted, That the Recorder doe send forth copys of the acts of the Generall Assembly in October last, under the seale of the Collony. And alsoe the acts of this Assembly under the seale, unto every towne of this Collony; and shall be paid from each towne the sum of eleven shillings, in or as money for the said copys.

March 17th

This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 4th of May, 1680.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. Caleb Carr,
Mr. Thomas Ward,
Mr. Joseph Clarke,
Mr. Stephen Arnold,
Capt'n Arthur Fenner,

Mr. John Whipple, Jun'r,
Capt'n John Albro,
John Sanford.
Capt'n Samuel Gorton,
Mr. Thomas Greene.

DEPUTIES.

For Newport.
Mr. William Coddington,
Mr. Peter Easton,
Mr. Benedict Arnold,
Mr. Henry Bull,

Capt'n John Greene,
Mr. Benjamin Smith,
Mr. John Potter.
For Westerly.
Mr. Tobias Saunders,

DEPUTIES.

Mr. Henry Tew,
Mr. Edward Thurston.
For Providence.

Mr. John Thornton,
Mr. Pardon Tillinghast,
Mr. James Mathewson,
Mr. Edward Smith.

For Portsmouth.
Mr. George Lawton,
Mr. William Wodell,
Capt'n William Correy,
Mr. John Borden.

For Warwick.
Mr. Randall Howldon,

Mr. Robert Burdick.
For New Shoreham.

Mr. John Sands.
For Kings Towne.

—————
For East Greenwich.

Mr. John Spencer,
Mr. John Heath.
For James Towne.

Capt'n John Foanes,
Ensign Nicholas Carr.

The Governor chosen Moderator.

John Sanford chosen Clerke of this Assembly.

Voted, John Correy and George Manchester, being freemen of Portsmouth, are admitted freemen of this Collony.

Voted, Oliver Arnold and George Havens being freemen of Jamestowne, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 5th of May, 1680, at the house of Robert Lovis.

The Assembly consisted of the above written Governor, Deputy Governor, Assistants and Deputys.

The Governor, Major Peleg Sanford, chosen Moderator.

John Sanford chosen Clerke of this Assembly.

Voted, The Clerke of this Assembly is appointed to write the names of those that bring in their votes, and the names of all that are brought in by proxies.

Voted, Mr. Thomas Ward and Capt'n John Albro, are chosen to open the proxies.

Voted, That Mr. William Wodell and Capt'n John Foanes are

chosen to receive the votes that are brought in, and take care that each person bring in but one vote, and putt the votes into the hatt.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Major Peleg Sanford,
DEPUTY GOVERNOR.
Mr. Walter Clarke.
ASSISTANTS.
Mr. Thomas Ward,
Mr. Caleb Carr,
Mr. William Coddington,
Mr. Stephen Arnold,
Capt'n Arthur Fenner,
Mr. Joseph Jenckes.
Capt'n John Albro,
Mr. George Lawton,
Capt'n Samuel Gorton,

Capt'n John Greene.
RECORDER.
John Sanford.
GENERAL TREASURER.
Mr. Edmund Calverly.
GENERAL TREASURER.
Major Peleg Sanford.
GENERAL ATTORNEY.
Mr. Weston Clarke.
SOLICITOR.
Mr. Robert Williams.
MAJOR.
Capt'n John Albro,

Voted, Major John Albro, Mr. Henry Tew, Mr. Joseph Jenckes, Capt'n John Greene, Mr. Tobias Saunders, Capt'n John Foanes, and Capt'n John Sands, with the Generall Sergeant, are chosen and appointed a Committee to hand the Charter to this Assembly

Voted, Mr. Joseph Jenckes, Mr. George Lawton, and Capt'n John Greene, are chosen and empowered to purchase and procure a bell, to be sett and placed in some convenient place, for the publick use of this Collony, and for giveing notice, or signifying the severall times or sittings of the Assemblys and Courts of Tryalls, and Generall Councils, and what they agree and engage for payment, shall be borne and paid by the publick Treasurer of this Collony.

Voted, This Assembly haveing appointed a Committee to purchase a bell for publick use, the said Committee haveing agreed with Mr. Freelove Arnold, &c., for a bell, and have

brought the same to this Assembly, haveing engaged the sum of three pounds, tenn shillings, in or as money, for the same, it is ordered, that the said sum of three pounds, tenn shillings shall be truly paid by the Generall Treasurer of this Collony.

Voted, Capt'n Samuell Gorton, and Mr. Peter Easton, are chosen a Committee to goe to Mrs. Mary Cranston, widow of our honored deceased Governor, John Cranston, Esq., and on behalfe of this Assembly desire and receive an account of what the said late Governor hath in his pertickular memorandums left as to the death of persons within this Collony, and otherwise compute soe farr as they can informe themselves for the time of seven yeares past.

Voted, The Deputy Governor, Capt'n Arthur Fenner, and Capt'n John Greene, are chosen a Committee to draw up some lines to accompany the answer to the severall queries from the Honorable Lords of his Majesty's Privy Councill, the Committee for Forraigne Plantations.

Voted, Mr. Thomas Ward, Capt'n Arthur Fenner, Capt'n John Greene, Mr. Francis Brinley, Mr. John Easton, Mr. Wm. Wodell, and John Sanford, Recorder, they or the major part of them, are chosen, appointed and empowered a Committee to take view of the laws and acts of this Collony, and to putt them into such a method that they may be putt in print; and they are to take the advice of the Governor and Deputy Governor, in the extracting and composing the laws now on record, and what they agree on and compose, shall be by them presented to the Assembly in October next, for their approbation and confirmation. And they are to have and hold their first meeting on or before Tuesday, the 24th of June next, at the house of Henry Palmer, in Newport; and soe to meet from time to time as they shall see cause. And the Generall Sergeant is empowered to give notice to the severall persons of this Committee for their meeting.

Voted, Upon a petition of Mr. John Pococke, presented to the Generall Assembly sitting the 10th of March, 1679-80, and by said Assembly referred to this Assembly, the contents thereof relating to a difference by action between Mr. Christo-

pher Almy and Mr. Job Almy, plaintiffs, against said John Pococke and Mary, his wife, Executrix to the deceased John Almy, defendant, and was in tryall at the Generall Court of Tryalls, held in October last; this Assembly haveing debated and seariously considered the matter, doe finde that the said action is, and stands in a due course of law, by rehearinge. Therefore doe order and declare, that according to the progress in law, the said action proceed.

Voted, Bee it enacted by this Assembly and the authority thereof, that in all actionall cases brought to the Generall Courts of Tryalls, if either plaintiff or defendant be aggrieved after judgment entered in Court, they may and have liberty to make their appeale to the next Generall Assembly for reliefe, provided such appeale be made in the Recorder's office tenn days' time after judgment entered as aforesaid; as alsoe such person or persons soe appealingge, shall first pay cost of Court, and give in bond as in case of review, and thereupon execution shall be stopped till the determination of the Assembly be knowne.

Voted, The above-said act shall be forthwith published, by being sett up at the towne of Newport, under the seale of the Collony, and by the Recorder subscribed.

Voted, That the Magistrates and Deputies, during the sittinge of the Courts, be allowed and paid out of the Generall Treasury, towards their necessary expenses, after the rate of seven shillings a weeke for each of them, in money, proportionable to the time of their attendance.

Voted, That the towne of Warwick be eased from sending four jurymen to the Courts of Tryall, and have liberty to send but two jurymen, viz.: one grand juryman, and one for the jury of tryalls.

And that the townes of Newport, Providence, and Portsmouth, have each of them an abatement of one grand juryman, any act or order in this Collony to the contrary hereof, notwithstanding.

Voted, The Generall Sergeant Edmund Calverly's bill for publike service, haveing been presented and perused, this As-

sembly doe allow and order the sum of eighteen pounds, nineteen shillings, four pence, in or as money, to be paid him out of the Generall Treasury.

Voted, Forasmuch as this Assembly, beinge very sensible of the great disappointment that happens to the members of this Collony by reason of the Courts of Tryalls interfearing with the Generall Assemblys, which proves a great hinderance to the proceedings of either, and that justice bee not retarded: therefore, bee it enacted by this Assembly and the authority thereof, that the Courts of Tryall for the future, be holden at Newport, the last Tuesday in March, and first Tuesday in September, annually; and soe to begin the first Tuesday in September next, in this yeare, 1680. And in case any bonds be already taken to the next Court in October, that they shall by virtue hereof, stand good to the said Court in September, as if soe taken; any law to the contrary hereof in any wise, notwithstanding.

Ordered, That the seale be affixed, and publication hereof, the 14th instant, by beate of the drum in Newport.

Voted, That the letter drawne and presented to this Assembly, in answer to a petition from Mrs. Kathrin Gorham, shall be signed by the Clerke of this Assembly.

Voted, That an act of the Generall Assembly in October last past, concerning the payment of the sum of tenn pounds unto Mr. William Harris, by the Generall Treasurer, this Assembly on some presentations and searious debate and consideration, doe see cause to order, and forewarne the Generall Treasurer of this Collony that the said sum, or any part thereof, be not paid unto the said Harris, untill further order from the Generall Assembly of this Collony.

Voted, This Assembly, on searious consideration of the raising money for the payment of the Collony's debts, and a stake of money to be in the Generall Treasurer's hands for publicke uses, doe order, that a rate be forthwith assessed in each respective towne and place of this Collony; and that the respective townes and places shall pay the assessments of one hundred pounds, in or as money.

Voted, Bee it enacted by this Assembly and the authority thereof, that if the free inhabitants of any towne or village in this Collony doe or shall neglect to assemble together in such forme or order as by law or custom they are bound or used to doe, and choose such and soe many officers as by law or custom they are to choose: that then it shall be lawfull for the Governor or Deputy Governor, with six Assistants, to order, appoint and constitute under their hands, such officer or officers in the said towne, village or place as shall to them seem meet for the carrying on the affairs depending and being between the Collony and the said towne or village, from time to time; and alsoe for the carrying on the affaires in the said towne or village, any law or laws in this Collony, to the contrary hereof, in any wise notwithstanding.

Voted, Bee it enacted by this Assembly and the authority thereof, for the regulating of disorderly selling of all sorts of strong liquors, wine and strong drinke, and setting up tippling houses without lycence in any the respective townes, villages and places of this Collony; this Assembly seariously weighing the premises, doe order, that the Towne Councils of each respective towne, village, or place or major part of them, on legall warning meeting are hereby authorized to grant lycences and to suppress any persons that shall sell by retale as aforesaid, without or contrary to their order; and that the offenders shall be lyable to be dealt withall, according to the laws of England; and pay for the first offence, a fine of forty shillings for their transgression, in or as money; but in case the respective Towne Councils neglect, then two Magistrates upon just complaint, are authorized to give lycences as well as to suppress those that disorderly sell as aforesaid; any law to the contrary hereof in any wise, notwithstanding.

Voted, Upon petition of Edmund Calverly, Generall Sergeant, to this Assembly, to have the full result of this Assembly what the foresaid Sergeant shall doe with such freemen of this Collony, which the Generall law says their owne bond shall be taken, though in noe reall capacity as the law of England, requires soe to doe.

This Assembly doe enact and agree, that any person or persons in this said Collony, though admitted free of this Collony, by any precedent Assembly or Assemblys, shall have his or their owne bond taken by the Generall Sergeant, except his or their estate bee really worth in this Collony one hundred pounds sterling of lawfull money of New England, any law in this Collony to the contrary hereof, notwithstanding.

Ordered, by this Assembly, that Mr. Thomas Ward, Mr. Peter Easton, and William Wodell, or major part of them, are appointed a Committee to auditt the accounts of our Honored Governor, Major Peleg Sanford, Treasurer, and to make returne thereof to the next Generall Assembly of this Collony.

And it is hereby further ordered, that the Generall Treasurer of this Collony doe annually at the Court of Election present his accounts to the Generall Assembly, to be auditted.

John Sanford's accounts for his service, being Recorder, and Secretary of the Councill this last year, haveing been debated, the Assembly, doe see just cause to allow him, and doe order, that the sum of ten pounds in or as money, bee truly paid him by the Generall Treasurer.

Voted, The Recorder shall send forth coppys of the acts of this Assembly, unto all the townes of this Collony, under the seale of the Collony, with convenient speed; and for each copy shall have from each towne the sum of eight shillings, in or as money.

By vote, This Assembly is dissolved.

Wee whoe have hereunto subscribed, being appointed by this Honored Assembly to make search how many persons have deceased in this Collony for the time of seven yeares last past, according to the best computation wee can make by the records, wee have the whole number of persons deceased, is four hundred and fifty-five.

THOMAS WARD,
SAMUELL GORTON,
PETER EASTON.

May 17th, 1780.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 27th day of October, 1680.

The Governor chosen Moderator.

The Recorder, John Sanford, Clerke.

Voted, Whereas there was an action of debt, bearing date the 18th of March, 1679, commenced by John Pococke, of Newport, plaintiff, against Christopher Almy, of Portsmouth, defendant; which said action, according to the custom of this Corporation, came to tryall in the Generall Court of Tryalls, held in Newport, aforesaid, in May, 1680, and upon and after the full plea of the matter, the jury found for the plaintiff the debt sued for, with six pence damage and cost of Court; whereupon the defendant being aggrieved, entered according to law and custom, a review of the case; which accordingly was fully pleaded in the Generall Court of Tryalls, held in Newport, aforesaid, the 7th day of September, last past; upon which plea, the jury see cause to find for the defendant cost of Court. Whereupon, the said plaintiff being aggrieved, he according to law, appealed to this Generall Assembly for reliefe in the said case; and the said case haveing been fully debated in this Court, and the evidences on both sides thoroughly considered, wee finde that neither plaintiffe nor defendant have in all things performed the covenants whereby they were bound to each other; whereupon the full and finall determination of the said case, and all and singular the breaches of the said covenants contained in the said covenant or obligation on which or by reason thereof the said action was grounded or commenced: this Court doe determine, and that according to the equity of the said case, the said defendant shall pay unto the said plaintiff the sum of tenn pounds in money, in full performance of his said part of the said covenant or obligation,

which he was bound to pay ; and that the said plaintiff shall allow the five pounds and the barrill of beife, which the said defendant was to have paid, more than the sum of tenn pounds, as appeares by the said covenant or obligation, in consideration of the damages sustained by the said defendant for and by reason of every the covenants in said covenant or obligation, which ought to have been performed on the part of Mary, his late wife, and relict of the late deceased John Almy, of Portsmouth, aforesaid ; and each to beare his owne due.

And further it is ordered, that if the said defendant shall neglect to pay or cause to be paid to the said plaintiff the said sum of tenn pounds on or before the first Tuesday in January next ensuing, that the Recorder shall grant forth execution in manner as after judgment entered in the Generall Court of Tryalls. Execution granted forth.

Voted, Whereas Mr. Joseph Clarke, of the towne of Westerly, hath petitioned this Assembly for reliefe, for and by reason of an unjust sentence passed against him by the Court of Assistants, held October the 7th, at Hartford, in his Majesty's Collony of Connecticut, on pretence that the said Joseph Clarke had been an offender against law in being obedient to Job Badcocke, Constable of the said towne ; whoe haveinge a warrant under the hands of the Governor and Deputy Governor, bearing date in May last, to apprehend Joseph Richardson of the same place, for useing and exerciseing the office of a Constable, or a Deputy Constable, in this jurisdiction, it being on the eastward side of the line by his Majesty's Commissioners appointed, after long debate, to be the dividing line between this Collony and the Collony of Connecticut, and that it was soe to remaine untill Majesty's pleasure were further knowne, in arresting and takeing the body of Thomas Wells, and him keeping prisoner, and compelling the said Thomas Wells to make answer to the said arrest, at a Court held in the jurisdiction of Connecticut, aforesaid, notwithstanding the aforesaid determination. As alsoe, it being in this Collony by the express words of his Majesty's gracious grant unto us ; for which supposed offence of the said Joseph Clarke, he was apprehended

at his owne house, being scittuate in the towne of Westerly, aforesaid, above two miles to the eastward of the river, commonly called Pawcatuck, alias Narragansett River; and from thence forced and carryed to Hartford, aforesaid, and compelled to make answer to the aforesaid complaint; and alsoe at the pleasure of the judges fined the sum of tenn pounds, besides all other his loss and damages.

And this Assembly haveing taken his complaint into consideration, doe judge themselves obliged to save and keep harmless the said Joseph Clarke, in his lawfull obedience to the government of his Majesty established in this jurisdiction; and doe thereupon order, that the sum of thirteen pounds and tenn shillings in money, or other pay equivalent, be paid by the Generall Treasurer of this Collony, unto the said Joseph Clarke, over and above what the said Treasurer hath already paid, in recompence of his aforesaid damage sustained.

Voted, Whereas the Captains of the severall Traine Bands in this Collony are by law strictly required to grant forth their warrants of distraint to levie and distraine all such fines and forfeitures as by law are due, or hereafter shall be due, from all such listed souldjer or souldjers as shall not appeare compleat in their armes on the severall traininge days appointed; and there attend the military exercise of each day.

It is therefore further enacted by this Assembly and the authority thereof, that whatsoever Traine souldjer in any of the respective Traine Bands, shall refuse or deny to execute any such warrant or warrants as shall be given forth and signed by the Captain of that company to which the said souldjer or souldjers belongeth, or in the Captaine's absence, then by the Lieftenant or next superior officer, every such souldjer or souldjers that shall neglect, refuse or deny to execute all or any such warrant or warrants, according to the contents and true meaning thereof, shall for every of his or their default, pay a fine of tenn shillings, to be taken by distraint in manner as the said fines for defect of not traininge are to be taken; and said fine or fines of what nature soever relating to the military exercise, shall be returned to the Clerke of every respective

Traine Band, and to be disposed of by the commissioned officers of the said respective Traine Bands, for the use of the said respective Company ; any law, usage or custom to the contrary hereof in any wise, notwithstanding.

Voted, There being intelligence presented to this Assembly from Mr. Deane, in England, that he still demands a considerable sum of money of the Executors of Mr. John Clarke.

Therefore it is ordered, that each of the townes concerned in the six hundred pound rate, doe choose two men to auditt the accounts of Mr. John Clarke, that some certaine answer may be returned in behalfe of the Collony at or before the 20th day of February ; and they or the major part of them to meet at the house of Sergant Henry Palmer, in Newport, at the time aforesaid.

Voted, Whereas the Generall Assembly, held the 29th of October, 1679, did upon the petition and request of William Harris, of Pawtuxet, in the towneship of Providence, give order to the Generall Treasurer of this Collony, to pay unto the said William Harris the sum of twenty pounds in currant pay, for and in consideration of the sum of tenn pounds paid by him for the use of this Collony in England, to Capt'n Richard Deane ; and the said sum ordered to be paid by the Treasurer, aforesaid, to the said Harris, remaining unpaid untill the sitting of the next Generall Assembly, which was held the 5th of May, 1680 ; and then some members of the said last mentioned Assembly asserting that the said money was already paid unto the said William Harris ; whereupon, the said Assembly ordered a suspension of the payment of the sum aforesaid ; and since the said persons haveing produced no certaine prooffe of their aforesaid allegations, this Assembly see cause to order, that the said sum of twenty pounds, currant pay, bee with all convenient speed paid by the Generall Treasurer of this Collony unto the said William Harris, or his assignes ; he or they giveing a sufficient discharge for the same.

Voted, It is ordered by this Assembly, that from henceforth all and every commissioned officer or officers of any of the respective Traine Bands in this jurisdiction, shall at the time

of election of military officers be chosen in the same place in the Band that he stood in before, that the Governor renewing his former commission that was under the seale of the Collony, shall be deemed and taken to be a sufficient commission for the said officer to execute his respective office in the said Band, to all intents and purposes, as if a new commission had been given by the Governor, under the seale of this Collony, and attested by the Generall Recorder.

Voted, It is ordered by the Assembly, there appearing a Deed, wherein is contained a purchase of the lands of Potowomett, by Capt'n Randall Howldon, and assigned by Capt'n Howldon to the Collony's use ; the towne of Warwick laying claime to the same lands, by vertue of a precedent Deed, as is said ; and Capt'n Howldon desiring his aforesaid Deed to be delivered back into his owne custody ; therefore it is ordered, that Capt'n Howldon shall have a copy of the Deed's endorsement, under the Recorder's hand, delivered ; but the originall to remaine in the Governor's hand, untill the next Assembly, and then the two Deeds to be compared. Provided a copy of Warwick Deed be attested, under two Magistrates hands of the towne of Providence.

Voted, It is ordered, for an addition to the law of appeales, that the person appealing, shall enter his reasons of appeale tenn days before the Court appealed unto ; and the defendant hath liberty to take out the reasons of appeale, and give in his answer at the Court ; and that the plaintiff take copys of the case from the Recorder, and present the whole case to the Court appealed unto, paying the usuall fees to the Recorder that he hath for copys at the Generall Court of Tryalls, and pay other fees according to the custom of our Courts of Tryalls, to the Sergeant, for calling the case ; and noe other fees to the Recorder nor Sergeant, except new evidence be presented that was not in the former Courts.

Voted, That the Committee chosen for the regulating of the laws of this Collony be still continued, untill the next Assembly.

Voted, Westerly's petition read and considered, it is or-

der, that copys of the letters that came from William Blathwaite, Esq., in London, be sent under the Recorder's hand to the towne of Westerly; and alsoe that the rate of three hundred pounds, and the hundred pounds rate that their part of the said two rates be suspended.

Voted, That Elizabeth Holderbee be abated twenty-five shillings of her fine, at the Court of Tryalls in September last; only she is to pay officers' fees.

Voted, That Mr. Joseph Clarke have two copys of this Generall Assembly's acts, about the answer of his petition. And he to leave one of them with the Generall Treasurer, and to have them without paying the Recorder any thing for writinge of them.

Voted by this Assembly, that the widow Sarah Knight, of Newport, haveing petitioned for a confirmation of a share of lands settled by her deceased husband, without Court order in East Greenwich, the matter haveing been considered and debated concerning her condition of widowhood, and the damage that will befall her in case the petition be not granted, therefore, it is agreed by this Assembly, that the widow Knight shall enjoy the foresaid share of land, and possess it upon the same teanure with the rest of the inhabitants of East Greenwich. Provided, the said widow doe pay the sum of forty shillings in money into the hand of the Generall Treasurer of this Collony, within six month's time.

Voted, Upon the request and petition of Benjamin Gorton, to this Court for the remission of his fine at the Court of Tryalls, in May last, this Assembly upon the searious debate and consideration of the said petitioner's request, doe see cause to remitt his fine, and returne him his five shillings in money layd down, for his petition.

Voted, That the petition of Job Haukins is referred to the Committee chosen to regulate the laws of this Collony.

Voted, This Assembly doth desire and empower Capt. Samuel Gorton, and Capt'n John Greene, Assistants, to goe with all convenient speed to Kings Towne, and there require and receive the head Warden and Deputy Warden, and other officers in

the said towne their engagements, according to the law of this Collony.

Voted, It is ordered, that the acts of this Assembly shall be sent forth by the Recorder, under the seale of the Collony, attested by the Recorder, to the severall townes of this Collony, within twenty days; and the Recorder to have five shillings in money, or pay equivalent to money, of each towne, for the said copy.

Voted, This Assembly dissolved November 3, 1680.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 3d of May, 1681.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. Thomas Ward,
Mr. Caleb Carr,
Mr. William Coddington,
Mr. Stephen Arnold,
Capt'n Arthur Fenner,

Mr. Joseph Jencks,
Major John Albro,
Mr. George Lawton,
Capt'n Samuel Gorton,
Capt'n John Greene.

DEPUTIES.

For Newport.

Mr. James Barker, Sen'r,
Mr. Edward Thurston.
Mr. Peter Easton,
Mr. Henry Bull,
Mr. Richard Dunn,
Mr. Phillip Smith.

For Providence.

Mr. John Whipple, Jun'r,
Mr. Richard Arnold,
Mr. Nathaniell Waterman,
Mr. Thomas Harris, Jun'r.

For Portsmouth.

Mr. Latham Clarke,

DEPUTIES.

Mr. William Wodell,

Mr. Peleg Tripp,

Mr. Arthur Cooke.

For Warwick.

Mr. Thomas Greene,

Mr. Benjamin Barton,

Mr. Moses Lippitt,

Mr. ——— Knowles.

For Westerly.

Mr. Tobias Saunders,

Mr. Jeffery Champlin.

For New Shoreham.

Mr. John Rathbone.

*For Kings Towne.**For East Greenwich.*

John Sanford,

Mr. Thomas Dungin.

For James Towne.

Capt'n John Foanes,

Mr. Ebenezer Slocum.

The Governor chosen Moderator.

Voted, Elias Carpenter, Benjamin Carpenter, Thomas Fenner, John Sailes, Samuell Comstock, John Wilkinson, Eleazer Arnold, Tho. Ustance, Henry Ustance, Joseph Smith, John Arnold, Jonatha. Sprague, Ephraim Pearce, Edwd. Manton, James Angell, Rich'd Clemence, Tho. Patey, John Belloo, and Joseph Jencks, Jun'r, all of the towne of Providence, are admitted freemen of this Collony.

Voted, Israell Arnold, John Roades, Job Greene, and Joseph Carder, of the towne of Warwick, are admitted freemen of this Collony.

Voted, Jeffery Champlin, Wm. Champlin, John Lewis, Peter Crandall, James Crandall, and Gershom Crandall, of the towne of Westerly, are admitted freemen of this Collony.

At the Generall Assembly and Election held at Newport, the 4th of May, 1681.

The Assembly consisted of the above-written Governor, Deputy Governor, Assistants and Deputys.

The Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, That Lieut. Latham Clarke, and Mr. Richard Arnold, are chosen to receive the votes from each person that personally bring in their votes, and soe putt them into the hatt as the Election proceeds.

Voted, Mr. William Wodell, Mr. Phillip Smith, and Capt'n John Foanes, are appointed to open the proxies, and as the Election proceeds, putt the votes into the hatt.

Voted, That this Assembly adjourne, to sitt in the lower roome, for the conveniency of the Election.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Major Peleg Sanford.

DEPUTY GOVERNOR.
Mr. Walter Clarke.

ASSISTANTS.
Mr. John Easton,
Mr. Caleb Carr,
Mr. William Coddington,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,
Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Capt'n John Greene,

Capt'n Samuel Gorton.

RECORDER.
John Sanford.

GENERAL SERGEANT.
Mr. Thomas Fry.

GENERAL TREASURER.
Mr. Weston Clarke.

GENERAL ATTORNEY.
Mr. Edmund Calverly.

SOLICITOR.
Edmund Calverly.

MAJOR.
John Albro, Sen'r.

Voted, Whereas Mr. John Sanford, Clerke of the Assembly, being by some occasion absent, the Assembly did see cause to appoint Mr. John Foanes to supply his place during his absence.

Voted, Emanuall Woolly having petitioned this Assembly, that whereas he was bound in a bond of recognizance for his good behaviour, and appearance at the last Generall Court of Tryalls, and he not appearing at the time aforesaid, according to order, his said bonds being forfeitted, did humbly desire this

Assembly to remitt the same ; and they takeing it into consideration, doe remitt the forfeiture.

Voted, Whereas there was a petition presented by Capt'n Arthur Fenner, subscribed by seven persons of Providence and Warwick (to this Assembly), this Assembly did see cause to suspend the answering thereof, untill their next sitting in June.

Voted, This Assembly takeing into consideration the matter to them presented by two Assistants of the Towne Council of Providence, concerning the late rash, turbulent and violent behaviour of Benjamin Hernden, Jun'r, of said Providence, towards an Indian man, as he upon his examination the 25th of Aprill did acknowledge, that he being lately in the woods belonging to the said towne, and there seeinge an Indian man, did shoot with his gun at the said Indian with an intent to kill him ; and for noe other cause (as he himselfe confeseth) but for that the said Indian would not obey his word, and stand at his command ; who indeed had noe authority nor just cause soe to command, which said Indian, notwithstanding the said violence to him offered, did not then seek to revenge himselfe by the like returne, although he alsoe had a gun, and might have shot at Hernden again, if he had been minded soe to have done, but went peaceably away ; only useing some words by way of reproofe unto the said Hernden ; blaming him for that his violence and cruelty, and wondering that English men should offer soe to shoot at him and such as he was, without cause.

This Assembly haveing seariously considered and weighed the matter, doe see cause, for the prevention of such insolent and outrageous actions for future time, to enact, and hereby it is by this Assembly and the authority thereof enacted, that all his Majesty's subjects in this Collony are hereby required to behave themselves peaceably towards the Indians in like manner as before the warr ; and noe person or persons shall presume to doe any such unlawfull acts of violence, upon their perrills.

Voted, Ordered by this Assembly, that a copy of this act be forthwith drawne by the Generall Recorder, and the seale of the Collony affixed, and sent unto the towne of Providence, and there to be published with all expedition.

Voted, The Deputy Governor, Mr. John Whipple, Mr. Wm. Wodell, and Mr. John Foanes, are appointed a Committee to examine and auditt the Generall Treasurer's accounts, and to settle them. The time of their first meeting shall be the 20th day of June, which will be on the second day of the weeke; and any two or more of the persons nominated appearing, have hereby power to inspect and settle the foresaid accounts with the Treasurer; and are first to meet at his house, and to make their returne to the next sitting of this Assembly.

This Assembly is adjourned untill the last Wednesday save one, in June next, being being the 22d day of said month; except any emergency should require the callinge thereof, which is left to the discretion of the Governor, or in his absence the Deputy Governor, to convene the said Assembly, if occasion in the interim of time require it.

June 23d.

According to the aforesaid adjournment, the Assembly called and satt.

Voted, Upon the petition of John Clarke, of Newport, for moneys due to him for service done at Westerly, in the time of his brother, Joseph Clarke's imprisonment at Connecticut, this Assembly agree and order the said John Clarke the sum of thirty-five shillings, in or as money, to be paid by the Generall Treasurer.

Voted, In answer to the petition of Walter Clarke, Deputy Governor, Caleb Carr, Assistant, Mr. Joseph Clarke, and Mrs. Mary Cranston, for reliefe concerning moneys disbursed by them in behalfe of the Collony, be it enacted by this Assembly and the authority thereof, that the sixty pounds due to Mr. Stephen Arnold, upon the account of Capt'n Houldon and Capt'n Greene, which was engaged to said Mr. Arnold by the above-said petitioners and severall others, as appeares by an act of the

Generall Assembly, held May, 1679, is declared to be the Colony's due debt, and therefore doe order the speedy payment thereof, that soe the respective persons may be saved indemnified.

Bee it further enacted, that all such townes or places, whoe have neglected to make and gather up the severall levies for the raiseinge of the said sixty pounds, according to the act made by the Court held in May, 1679, are hereby required forthwith to make and gather up, and send in their severell levies to the Generall Treasurer; and that the said debt shall be paid with expedition out of the Generall Treasury.

It is alsoe further ordered, That the Honored Governor, Major Peleg Sanford, the late Treasurer, is hereby ordered to pay unto Mr. Stephen Arnold such moneys as he hath received, of the said sixty pounds levie, and take a receipt therefor, in behalfe of the Collony, and the persons that engage. The Governor enters his dissent to this act, forasmuch as the proceedings of the Generall Assembly in May, 1679, concerninge the assessment of a rate of sixty pounds on the Collony, was contrary to law.

Voted, That the persons formerly chosen to auditt the late Treasurer's, Major Peleg Sanford's accounts, are to meet this 23d of June, and expedite the matter, ordering their adjournments and places of meeting from time to time, untill it be perfected; and are empowered, they or the major part of them, to give a full discharge in the Collony's behalfe.

Voted, For the suppressing of disorders, it is ordered, that any townes of this Collony are hereby empowered, as necessity shall require, to choose a Constable or more than formerly they were wont to doe, and if need require, to make their election of said officer or officers as well at any other of their towne meetings as on their election day, the townsemen haveing legall notice thereof. And the Constable or Constables soe elected, shall be lyable to pay the same fine upon refusall, as though they had been chosen on the election day, and being engaged; and to execute the place of Constable untill at the next election others be chosen and engaged in their roome.

Voted, That the Generall Assembly to sit in October next, shall be convened and held at the towne of Providence.

Voted, Ordered, That the acts of this Assembly, held the 3d of May, shall forthwith be sent forth to the severall townes in this Collony, by the Recorder, under the seale.

Voted, Bee it enacted by this Assembly, that this Court is adjourned untill the 17th of August next ensueing, and then to meet in Newport, or sooner, if the Governor or Deputy Governor upon emergent occasion doe warne them ; but otherwise then to dissolve.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Providence, the 26th day of October, 1681.

The Governor chosen Moderator.

The Recorder, John Sanford chosen Clerke.

The Charter openly read.

Voted, Mr. Joseph Jencks and Capt'n John Greene, Assistants, are desired and authorized by this Assembly with all expedition, to goe to Kings Towne and require and receive the engagements of the Wardens and officers lately chosen in said towne, to their severall offices. And to that end, are hereby empowered, if they see cause, to give forth warrant to whome they shall appoint a Constable, to require the severall elected officers to appeare before them.

Voted, That if any person be chosen to the office of Towne Treasurer, in any towne of this Collony, and doe refuse or neglect to serve in that office, he shall forfeitt to that towne's use, the sum of forty shillings, in or as money ; which if he refuse or neglect forthwith to pay, then the said sum to be taken out of his estate by a warrant of distraint under the hand of one Assistant or more.

And further ordered, That if any Towne Treasurer at the suit of any person shall be cast for debt due from that towne, noe execution shall seize the said Treasurer's estate unless he have effects of that towne in his hands; and the said Treasurer shall be kept indemnified by the towne.

Voted, That a deed under the hand of Namawish, bearing date the 26th of June, 1660, concerneing a purchase of land at Potowomet, made to Capt'n Houldon, &c., and was surrendered up by said Capt'n Houldon unto Mr. Benedict Arnold, Assistant, for the use of the Collony, as on said deed is attested by Capt'n John Greene, Assistant; and the said deed being now demanded by Capt'n Houldon, or the money disbursed therein, this Assembly doe see cause to order, that the said deed doe remaine in the Governor's hands untill the matter shall bee further cleered.

Voted, Upon the petition of Edward Lay, of the towne of Portsmouth, for the remitting of a fine of forty shillings laid on him by the Court of Tryalls, held in September, 1680, and he pleading age and debillity, this Assembly on the searious consideration of the matter, doe remitt his said fine.

Voted, Whereas it appeares to this Assembly, that there hath been a misunderstanding in the choice of Towne Councillmen this present year, in the towne of Providence, which obstructs the meeting and acting of the said Councill, this Assembly on the searious consideration thereof, doe order and give power to one or more of the Assistants in said towne to call a towne meeting with all convenient expedition; and doe alsoe empower and require the said towne, at their said meeting, to proceed and make choyce of six persons well quallified, to bee added to the Assistants of the said towne, to be the Towne Councill, whoe being soe elected, shall give their engagement to the true performance of that office, before one or more of the Assistants, in said towne; and that then they or the major part of the said Councill (beinge by warrant under the hand of one or more of the Assistants, to the Towne Sergeant warned and mett), may act as Towne Councill of said towne untill the next day of election of towne officers. And that for the future, the

said towne of Providence, on their annuall day of electing towne officers, shall choose six men well quallified, to be added to the Assistants in said towne, whoe shall make up a full Councill for the said towne.

Voted, In answer to the petition of Joanna Reape, the wife of Samuell Reape, of Pawtuxet.

This Assembly takeing into searious consideration the deplorable estate of said Joanna Reape being left desolate by her said husband, Samuell Reape, and being very sensible of the truth of what is declared against him, in her petition, doe order, that all and every part of the estate of Samuell Reape, as well lands as goods, or chattells in this Collony, be sequestered for the use and behoofe of the said Joanna Reape, dureing her naturall life. And for that end and purpose, doe depute and authorize her son-in-law, Mr. Daniell Williams, and her son John Roades feofees in trust, to take possession thereof in her behalfe, and receive the rents for her use and behoofe: and the tenant makeing payment to the said feofees, shall be saved indemnified from Samuell Reape or his assignes.

Voted, Whereas it is complained that damage hath been done in the towne of Providence, by persons rideing a gallup; it is ordered, that if any person or persons for the future shall presume to ride a gallup on horse, gelding or mare, in the street lying against the great river in the towne of Providence, in any part thereof, between the land of Pardon Tillinghast, and the northerly corner of John Whipple, Sen'r, where his dwelling house stands, shall forfeitt for every such offence the sum of five shillings, in or as money, to be forthwith paid by the party or partys soe rideing (the one one halfe to be for the said townes's use, the other halfe to the informer), and in case of non-payment, the said sum shall be taken by distraint (by a warrant under the hand of one Assistant or more, directed to the Towne Sergeant) out of the estate of the party soe offending; except the party soe offending shall render a sufficient reason unto one Assistant or more, that his occasion was soe urgent that occasioned his or their soe galluping.

Voted, That the Generall Assembly appointed by our Char-

ter to be held in October, 1682, shall be held at the towne of Warwick.

Voted, The towne of Providence is for the future to have and hold their traininge days on the same days as by the law are appointed and ordered to the towne of Newport.

Voted, Ordered, that the Recorder doe within twelve days of the dissolution of this Assembly send forth copys of this Assembly's acts for the severall townes of this Collony, under the seale of the Collony; and shall from each towne have the sum of twelve shillings in or as money for the copys of this Assemblys acts, and the acts of the Assembly in May last.

Voted, This Assembly dissolved October 27th.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 2d of May, 1682.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,
Mr. Caleb Carr,
Mr. William Coddington,
Capt'n Arthur Fenner,
Mr. Joseph Jenckes,

Major John Albro,
Mr. George Lawton,
Capt'n John Greene,
Capt'n Samuel Gorton.

DEPUTIES.

For Newport.

Lieut. John Bliss,
Mr. Edward Greenman,
Mr. John Woodman,
Capt'n Roger Goulding,

Mr. Edward Thurston, Sen'r,
Mr. John Holme.

For Providence.

Mr. Thomas Harris, Jun'r,
Mr. Edward Smith.

DEPUTIES.

Mr. Thomas Arnold,
Mr. John Whipple, Jun'r.
For Portsmouth.

Mr. William Codman,
Mr. Latham Clarke,
Mr. Henry Brightman,
Mr. William Wodell.
For Warwick.

Mr. Benjamin Smith,
Mr. Abiah Carpenter,
Mr. Samuell Stafford,
Mr. John Low.

For Westerly.
Mr. Jeffrey Champlin,

Mr. John Badcocke.
For New Shoreham.

Mr. James Rathbone.
For Kings Towne.

For East Greenwich.

Mr. John Heath,
John Sanford.

For James Towne.
Mr. Ebenezer Slocum,
Mr. Oliver Arnold.

The Governor chosen Moderator.

The Recorder chosen Clerke.

Voted, Mr. John Pococke, and Jireh Bull, being freemen of the towne of Newport, are admitted freemen of this Collony.

Voted, John Thornton, Jun'r, John Pray, and Joseph Woodward, freemen of the towne of Providence, are admitted freemen of this Collony.

Voted, Abiell Tripp, being a freeman of the towne of Portsmouth, is admitted a freeman of this Collony.

Voted, Thomas Nicolls, Jun'r, and John Knight, being freemen of East Greenwich, are admitted freemen of this Collony.

This Assembly is dissolved.

*At the Generall Assembly and Election held for the Collony at
Newport, the 3d of May, 1682.*

The Assembly consisted of the above written Governor, Deputy Governor, Assistants and Deputys.

The Governor chosen Moderator.

The Recorder chosen Clerke.

The Charter openly read.

Voted, The Recorder is appointed to write the names of all those that bring in their votes.

Voted, Mr. Edward Thurston and Mr. William Wodell are appointed to open the proxies, and as the Election proceeds, putt the votes into the hatt.

Voted, Mr. John Woodman, and Mr. William Cadman are appointed to receive the votes from the hand of each person that bring in their votes, that noe deceit may be, and as the Election proceeds, putt the votes into the hatt.

Voted, That for the conveniency of the Election, the Assembly sitt in the lower roome.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.
Major Peleg Sanford,
DEPUTY GOVERNOR.
Mr. Walter Clarke.
ASSISTANTS.
Mr. John Easton,
Mr. Caleb Carr,
Mr. William Coddington,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,
Mr. Richard Arnold,
Mr. William Cadman,
Mr. George Lawton,
Capt'n John Greene,

Capt'n Samuel Gorton.

RECORDER.
John Sanford.

GENERAL SERGEANT.
Mr. Edmund Calverly.

GENERAL TREASURER.
Mr. Weston Clarke.

GENERAL ATTORNEY.
Mr. John Pococke.

SOLICITOR.
Richard Barnes.

MAJOR.
John Albro, Sen'r.

Voted, The reciprocall engagment to the Governor to be as follows :

I doe, in the name and behalfe of the Collony, re-engage to stand by you and support you by all due assistance and encouragement, in your performance and execution of your afore-said office, according to your engagement, and alsoe to stand by you and assist you in your performance of the act of trade

and navigation, according to the oath imposed by his Majesty in the said act.

Voted, The Recorder to keep the King's Pattent, concerning trade and navigation, till called for by this Assembly.

Voted, Whereas, there hath of late been divers differences betweene severall men, inhabitants of the towne of Warwick, and severall men, inhabitants of Kings Towne, about or concerneing a tract or neck of land, called Potowomett, in the Narragansett country, in this Collony, the which difference if not timely and speedily prevented, is likely to occasion and bring great disquiett and trouble upon this Collony, besides the perrills and hazzards of mischiefs that many of the inhabitants of this Collony may and will bee dayly in, &c.

This Court haveing taken the matter into their searious consideration (although they doe declare that they will not meddle with the title or propriety of the lands in difference), yett finding themselves bound to keep, preserve, and maintain the peace and quiett of this Collony, and in obedience of his Majesty's commands, in his letter of the 12th February, 1678-9, doe hereby declare, and it is by this Court and the authority thereof hereby declared and enacted, that not one or any of the men inhabitants of the towne of Warwick or one or any of the men, inhabitants of Kings Towne, nor any other men or persons whatsoever, shall enter upon or impropriate unto themselves or for any other person or persons whatsoever, by building or fenceing, in planting, or any otherwise to make improvement of any of the lands of said Potowomett, now in difference, untill his Majesty's pleasure be further knowne, or untill further order from the authority.

And further it is enacted, that the persons that have already intruded thereon, viz: James Hasleton, Henry Reynolds, or any other person or persons, are forthwith to depart and remove off, the said land of Potowomett, or otherwise appeare before the Governor, and Assistants on Rhode Island, to answer for their intrusion, or continuance thereon.

And further it is hereby declared, that it is the true intent and meaning of this act, in noe wayes to hinder or mollest the

men inhabitants of the towne of Warwick from the mowing and improvement of the meadows belonging unto the neck of land called Potowomett, which sometimes they have used formerly to doe.

And further, that due obedience may be given and yielded unto his Majesty's commands in his letters of the aforesaid 12th of February, 1678-9, it is hereby ordered, that the act (entitled a Prohibition against intruders on lands in the Narragansett) made in the Generall Assembly the 30th of Aprill, 1678, be againe published at the severall townes in the Narragansett.

Voted, At a meeting held by the Governor, Deputy Governor and Assistants, the Generall Councill of his Majesty's Collony of Rhode Island and Providence Plantations, at Newport, the 28th of March, 1681.

In obedience to his Majesty's commands in his letters to us, dated at his Court, at Whitehall, the 12th day of November, in the one-and-thirtieth yeare of his now Majesty's reigne.

Be it ordained and declared, and it is hereby ordained and declared by the Governor and Councill of this his Majesty's Collony of Rhode Island and Providence Plantations, in New England, &c., that there shall in the towne of Newport (and elsewhere the Governor of this Collony shall judge meet) a public office be kept, and knowne by the name of a navall office, into which said office, all masters or commanders of ships and other deck vessells, are required upon their arrivall into any harbour or port within this jurisdiction, to make their appearance and make entry of their respective ships and vessells, and their loading, and give in bond according as they are required by the acts of Parliament, entitled, "The act for encouraging and increaseing of shipping and navigation, made in the fifteenth yeare of his now Majesty's reigne, and the act for better regulating the plantation trade, made in the twenty-second and twenty-third yeare of his now Majesty's reigne.

Bee it ordained and declared by the authority aforesaid, that every shipp, or other vessell, being of the burthen of forty tons or upwards, the master or commander thereof, shall pay

for their entry and discharge of their said vessell the sum of five shillings, and twelve pence for each bond. And that all other vessells of lesser burthen than forty tons, the master thereof shall pay for their entry and discharge of their said vessell, the sum of two shillings, six pence.

Ordered, That these presents be forthwith published by beate of drum, in the towne of Newport, on the first of Aprill, 1681. God save the King.

By JOHN SANFORD,
Secretary to the Councill.

Voted, That the act of the Governor and Councill aforementioned, is by this Assembly approved of, and is now made an act of this Assembly.

Voted, Upon the petition and acknowledgment of Nathaniel Osband, unto this Assembly, for the remitting of a sentence of the Court of Tryalls, held at Newport in March last, this Assembly doe see cause to remitt that fine of three pounds, six shillings, eight pence; the other part of the said Court of Tryalls' sentence to continue in force.

Voted, Ordered, that it is every Towne Clerke's duty that at every towne meeting, or Towne Councill meeting, all the Assembly's acts bee at the meetings for any freeman of the towne to view or take notice of them; and that any magistrate in the towne, when he seeth cause, may have all or any of the coppys of the Generall Assembly's acts for him to view, when and where hee seeth cause, giveing the Towne Clerke, a writing that hee hath soe received of him, and to returne them to him before the next towne meeting.

Voted, That the Charter from his Majesty concerning trade and navigation, that was presented in this Assembly, by Mr. Francis Brinley, and committed to the Recorder's keeping, shall by the Recorder be delivered unto the Governor, to be kept with the Charter of this Collony.

Voted, That the Clerke of this Assembly shall send forth coppys of the acts of this Assembly for the severall respective

townes of this Collony, under the seale of the Collony, on or before the last day of this instant month, May.

Voted, This Assembly is adjourned untill Wednesday, the 28th day of June, now next ensueing; and then to assemble at Portsmouth, at the house of William Maize: only if there doe appeare to the Governor, or in his absence, the Deputy Governor, neccessary occasion, then by warrant from either, the Assembly to convene sooner.

June 28th, 1682.

At the re-meeting of the Generall Assembly, according to the aforesaid adjournment, the 28th of June, 1682.

Voted, John Sanford, who was chosen Clerke of the Assembly, beinge by lameness disenabled of giving his attendance, was in his place elected Deputy Clerke, Mr. John Whipple, Jun'r, untill the Clerke give his attendance, or further order taken therein.

John Whipple refuseing, Sergeant John Woodman chosen Deputy Clerke.

Voted, This Court haveing taken into their serious consideration, the assessment laid upon the inhabitants of Kings Towne, in the yeare 1678, with their then present condition, doe hereby enact and declare, that the one moiety or halfe of the said rate, is freely remitted; the whole rate being sixteene pounds.

Voted, Whereas, this Court haveing been informed that the Collony of New Plymouth, or some one of their Assistants, doth claime jurisdiction of Hog Island, by declareing in a warrant under the hand of James Browne, Assistant, the same to bee in New Plymouth Collony, this Assembly doth thereupon desire the Governor to write unto the authority of New Plymouth about the same, and to acquaint them of our just Patent right thereunto; as allsoe the settlement of his Majesty's Commissioners of the same; and that the Governor lett the Commissioners' acts be copped out, attested and sent unto them; and allsoe to lye in the records of Portsmouth, under the seale of the Collony.

Voted, Whereas by the act of the Generall Assembly, held 7th May, 1679, power was given unto the Governor, Deputy Governor, or any three Assistants, upon the neglect or refuseall of any towne or townes within this Collony to make a rate upon the inhabitants of the said towne, returne the same to the Generall Treasurer within the time in said act limitted, to order and appoint any five men of said towne to make an equall rate on the said inhabitants, this Generall Assembly doe hereby ratifie and confirme the said act of the 7th May, 1679, and every clause therein mentioned; hereby declareing and enacting, and it is hereby declared and enacted by this Court and the authority thereof, that if the five men or major part of them, appointed and required by the Governor, Deputy Governor, or any three Assistants, doe neglect or refuse to make a rate on the inhabitants of their respective towne, according to the Generall Assembly's assessments and penalty for neglect, and the same returne under their hands, or the hands of the major part of them, unto the Generall Treasurer of the Collony, for the time being, within twenty days next after the delivery of any such warrant from the Governor, Deputy Governor, or any three Assistants, by the Generall Sergeant or his Deputy, unto any one of the five men therein mentioned, and notice given by the Generall Sergeant or his Deputy, unto the other four or major part of them, or warning left at their dwelling houses, that such a warrant in which they are required to make the rate, is left with and delivered into the custody of the other person in said warrant mentioned; that then the Governor, two Assistants, or Deputy Governor and two Assistants, are hereby empowered to grant forth warrant of distraint, directed to the Generall Sergeant or his Deputy, to distraine upon the goods or chattells of the five persons or major part of them in the warrant mentioned, the full and just sum of what the Generall Assembly and Assemblys have or shall assess on the respective towne, with the tenn pound for the towne's neglect, with their fees due by law, and what shall be distrained, to be proceeded with and returned, as is mentioned in the afore-recited act of the 7th of May, 1679.

And it is hereby enacted by this Court and the authority thereof, that the aforesaid five men, or major part of them, from whom the assessments and forfeitures of the towne shall be distrained, have full power and authority granted them, to commence and sue an action of debt against the respective inhabitants of the towne for their respective proportions for whome their estates were distrained.

Voted, This Court haveing taken into their searious consideration the returne of Mr. Joseph Jencks, and Capt'n John Greene, appointed by the Generall Assembly held at Providence, in October, 1681, to repaire into Kings Towne, in the Narragansett country, and to require and give the engagement unto the elected Warden and Deputy Warden, and other towne officers, for the preservation of the King's peace and quiett of his subjects. And they haveing in due observation of said act, repaired unto Kings Towne, and required of the persons elected, to give their engagements unto their respective offices accordingly, which was by said elected persons evaded, soe that noe one person would receive their engagement, the evill consequence whereof, if not timely prevented, is like to bee prejudiciall unto this Collony :

It is therefore by this Court and authority thereof hereby enacted, that there shall be chosen in the said Kings Towne, two Conservators of the Peace ; and the persons by this Assembly and the authority thereof, chosen and elected Conservators of the Peace for Kingstown, are Mr. John Cole, and Capt'n John Foanes ; whoe are hereby fully empowered and authorized to take care for the preservation of the peace and quiet of said Plantation, and to act and doe all other matters and things belonging unto the place and duty of Conservators of the Peace, within their precincts.

And it is further hereby enacted, that the Governor and Deputy Governor, or Deputy Governor and two Assistants, or any three Assistants, shall within some conveanient time after the 10th day of July next ensueing, by warrant, and under their hands, directed unto the Generall Sergeant, or his Deputy, conveane the inhabitants of [Kings Towne] together at some

conveanient place in said towneship, and there cause to be read the severall acts of the Generall Assembly for the raising of money for the payment of the Collony's debts.

The persons desired and deputed to goe unto Kings Towne to cause the performance hereof, and to require and give the engagement unto the afore-mentioned and elected Conservators of the Peace, are the Honored Deputy Governor, Caleb Carr, William Coddington, Capt'n Arthur Fenner, and William Cadman, Assistant, or major part of them, with the Recorder, and Generall Sergeant, or his Deputy.

It is allsoe further ordered, That at the said meeting, the townesmen doe elect all their officers respectively, and that the said Conservators, and all other officers, be continued in their respective places, untill further order from this Court, or untill by the said inhabitants, new be chosen and engaged according to their Charter; and in case the said inhabitants doe refuse to elect the other officers as aforesaid, then the Deputy Governor and Assistants as aforesaid, are hereby empowered to elect all of them, and they to continue in like manner as the Conservators.

Voted, That upon the petition of Eliezer Whipple, the Generall Assembly doe allow unto the said Whipple the sum of tenn pounds in or as money, to be paid unto him or his order, out of the Generall Treasury.

Voted, Whereas there is an address made by part of the Councill of the towne of Providence, against Capt'n Arthur Fenner and Mr. Joseph Jencks, for something disagreeing from the rest of the Councill of said Providence, this Assembly haveing viewed the matter, doe find that the said representation to this Assembly is not directed according to a former law of this Collony, and therefore doe see cause to returne the said presentation to the presenters, Mr. John Whipple, Jun'r, and Mr. Edward Smith, &c., for their further consideration, to amend the same, if they see cause.

Voted, Upon the petition of Mrs. Elizabeth Cunigrave, alledging poverty, and that if she had her right, she hath a com-

petent estate to live on, yett is not of abillity to recover her owne, therefore desires liberty of this Assembly, that she may sue for and recover her owne, under forma pauparis.

This Assembly doe referr the consideration and inspection of that matter to the Towne Councill of the towne of Newport, to act therein as may to them appeare necessary, according to law, to sue under forma pauparis, or not to sue.

Voted, Upon the retorne of the address and presentation afore-mentioned, against Capt'n Fenner and Mr. Jencks, the afore-named Mr. John Whipple, and Mr. Smith, haveing amended the direction which afore was wanting, the said representation is again received into the Assembly.

Voted, Ordered, that the Recorder doe draw forth copys of this Assembly's acts at this adjournment, under the seale of the Collony, for each the respective townes in this Collony, and the same to be done by the 10th day of July next; and shall have from each towne for copys of these and the acts of the Assembly in May last, the sum of twelve shillings, in or as money.

June 30th.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Warwick, the 25th day of October, 1682.

The Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, Whereas it hath been motioned in this Assembly by some of the Deputys of the towne of Providence, that they would please to give their result how far the power of a Towne

Councill doth or may extend to the rejection of any person or persons, that may come into any towne or place in this Collony.

In answer thereunto, wee doe declare, that it is in the power of any Towne Councill as aforesaid, to reject any person, although a free dennison, unless sufficient bond be tendered and given by the party being called before them, according as the major part of the Councill shall judge meet; but in case the major part of the Councill see cause to warne any such person or persons to depart the towne by such a time as they shall prefix, and he, she or they neglect or refuse soe to depart, then the Governor, Deputy Governor, or any Assistant, Warden, or Conservator, living in or neer said towne or place, upon request, shall grant forth their warrant to the Constable to remove him or them out of the towne or place. But if notwithstanding this, he, she or they shall presume to retorne againe without leave as aforesaid, they shall pay a fine at the discretion of the major part of the Councill, not exceeding five pounds; or in default thereof, suffer punishment, not exceeding twenty stripes for his or their contempt; and as often as they doe retorne after warning, this to be executed without wager of law, and to be executed by a warrant from any of the Justices, Wardens, or Conservators aforesaid, according to the times appointed in the warrant; any law to the contrary hereof, notwithstanding.

Voted, That the petition by severall of the Councill of Providence, by the last Assembly referred to this, is taken off the fyle.

Voted, Upon the petition of severall persons of the townes of Providence and Warwick, and places upon the maine land adjacent, for liberty to set up a troop of horse, this Assembly taking the matter into their searious consideration, doe grant their request to the number of thirty-six, besides officers, chosen out of the severall Traine Bands, by the Magistrates of said townes, and Captaines of the said Traine Bands; and after such number is chose out, each shall fitt themselves, with horses and all things suitable for that exercise; which being done, shall be

freed from being called to exercise in the said foot companys.

Further it is ordered, That when the said Company are fitted with horses and armes suitable for that exercise, they shall not embessle them away, but keep them always in a readiness, when they shall be called upon for exercise. And further, shall have liberty annually to choose their owne officers.

And further it is ordered, That the commissioned officers of said troop, shall have power to appoint their days and places of exercise from time to time; and shall be exercised and disciplined six days in the yeare, and shall have the like commissions as are given to the Infantry. And in case of default, be under and lyable to double the penaltys and fines by the law of this Collony imposed on the foot Companys in such case.

Voted, And it is further ordered, That there be two Majors chosen in this Collony annually; one Major for the Islands, and one Major for the maine land. The Major for the Islands to be chosen by the freemen and Traine Bands of the Islands, and the Major for the maine to be chosen by the freemen and Traine Bands on the maine; and their voates to be sent in at the generall election of officers in May, annually, by the Clerke of the respective Bands, that they may be recorded; any thing to the contrary hereof, in any wise, notwithstanding.

Upon a case between Mr. John Pococke and Mr. Edmund Calverly, Generall Sergeant, referred by the last Generall Court of Tryalls unto this Assembly, the Assembly on a searious debate and consideration of that matter, inquired of both the said Pococke and Calverly whether they were free to leave the said case to this Assembly. They both readily answered they did freely and fully leave that whole case to the judgment and determination of this Assembly.

Voted, This Assembly haveing heard and seariously considered the case presented between Mr. John Pococke and Mr. Edmund Calverly, Generall Sergeant, doe judge and determine that the said Generall Sergeant hath not performed his office in the said case; yett doe judge that it was not through wilfullness, but through ignorance.

Voted, Upon a petition of Edmund Calverly, Generall Sergeant, for his charges and attendance as keeper, on the privateers, late prisoners, sent away for Virginia; this Assembly, on the debate of the matter, doe judge that for his negligence in leaving the prison doore open, whereby some of the prisoners made an escape, he ought to forfeitt the said demand. Yett the Assembly considering his poverty, in favour to him, doe allow him but the sum of five pounds of his bill, to be paid by the Generall Treasurer,

Voted, Forasmuch as there hath of late appeared a deficiency in the Court of Tryalls, for want of a due course of law being provided, in case the Governor or Deputy Governor, or both be taken off the bench by lawfull exceptions, whereby the Court is wholly disenabled to proceed in such case or cases.

Therefore bee it enacted by this Assembly, That in any such case, the first Assistant in choyce there present, with three Assistants more, or as many more as are present, shall be a full Court of Tryalls, to trye, determine and issue any such case effectually.

Voted, As an addition to the former law concerning the navall office, it is enacted, that it shall bee in the power of that person, that the Governor shall in any towne appoint to keep a navall office, to administer the oath according to law, to any Commander or Master of any ship or other vessell by law lyable.

Voted, It is ordered, that it shall be in the power of the Governor, or Deputy Governor, and any one Assistant, or more, to auditt the accounts of any persons claiming debts concerning the privateers late in prison; and order their payment by the Generall Treasurer. And allsoe the Generall Treasurer is empowered, if occasion be, to defray the debts, to make sale of the gunns and other armes, and amunition seized, belonging to the said privateers.

Voted, Upon the petition of John Wilkinson of the towne of Providence, who was wounded in the late warr with the Indians, this Assembly doe allow him the sum of tenn pounds in or as money, to be paid out of the Generall Treasury.

¶ Voted, Whereas our Honored Governor hath been pleased to relate to this Assembly how it hath pleased God to preserve his life from the privateers, viz.: John Smith, and his associates, by the information of John Booth, negroe, one of their company, whoe declared their intention to kill the Governor before their being sent away; and the said John Booth, negroe, earnestly petitioninge the Governor, that he might not be sent with them, because he knew they would kill him for revealing the said plott, the Governor, haveing at present soe farr granted his request, and haveing desired the advice and approbation of this Assembly further therein, this Asembly declares that they doe approve of the Governor's act therein; and doe further grant, that if the said negroe can procure any sufficient security to the vallue of tenn pounds, for his appearance at the Court of Tryalls, in March next, if required thereunto, that then his irons bee taken off, and soe farr sett at liberty.

Voted, That the Recorder shall have the sum of six shillings, eight pence in or as money, from each towne in the Collony, for copys of this Assembly's acts, under the seale; and shall have the sum of tenn shillings in or as money, for his attendance at this Assembly, to bee paid by the Generall Treasurer.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 2d of May, 1683.

Major Peleg Sanford, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr.

ASSISTANTS.

Mr. William Coddington,
 Capt'n Arthur Fenner,
 Mr. Joseph Jenckes,
 Mr. Richard Arnold,

Mr. William Cadman,
 Mr. George Lawton,
 Capt'n John Greene,
 Capt'n Samuel Gorton.

DEPUTIES.

For Newport.

Mr. James Barker, Sen'r,
 Mr. John Coggeshall,
 Mr. Thomas Ward,
 Mr. Edward Thurston, Sen'r,
 Mr. Phillip Smith,
 Mr. Nathan'l Coddington.

For Providence.

Mr. Thomas Field,
 Mr. Thomas Arnold,
 Mr. Thomas Fenner,
 Mr. Alexander Bolcum.

For Portsmouth.

Mr. William Wodell,
 Major John Albro,
 Mr. Latham Clarke,
 Mr. Thomas Cornell,
 Mr. Thomas Greene, Sen'r.

For Warwick.

Mr. Israell Arnold,
 Mr. John Potter,
 Mr. John Warner.

For Westerly.

Mr. Tobias Saunders,
 Mr. Robert Burdick.

For New Shoreham.

John Rathbone.

*For Kings Towne.**For East Greenwich.*

John Sanford,
 Mr. Clemence Weaver.

For James Towne.

Mr. Ebenezer Slocum.
 Mr. Ephraim Moss.

*At the Generall Assembly and Election held for the Collony at
 Newport, the 2d of May, 1683.*

The Deputy Governor chosen Moderator.

John Sanford, Recorder, chosen Clerke.

Voted, The Recorder is appointed to take the names of those that bring in their votes for Governor.

Voted, Mr. Nathaniell Coddington, and Mr. Latham Clarke, are appointed to receive the votes from each man, and take care noe deceit be, and put the votes into the hat as the Election proceeds.

Voted, That Mr. John Coggeshall and Mr. William Wodell,

are appointed to open the proxies, and as the Election proceeds, putt in the votes into the hatt.

Voted, That for the conveniency of the Election, the Assembly sitt in the lower roome.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.

Mr. William Coddington,

DEPUTY GOVERNOR.

Mr. Walter Clarke.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr,

Mr. John Coggeshall,

Capt'n Arthur Fenner,

Mr. Joseph Jencks,

Mr. Richard Arnold,

Major John Albro,

Mr. George Lawton,

Capt'n John Greene.

Mr. Benjamin Barton.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Edmund Calverly.

GENERAL TREASURER.

Mr. Weston Clarke.

GENERAL ATTORNEY.

Mr. Weston Clarke.

MAJOR FOR THE ISLAND.

Mr. John Coggeshall, Sen'r.

MAJOR FOR THE MAINE

Capt'n John Greene.

Voted, Whereas Capt. Arthur Fenner, Mr. Rich'd Arnold, and Capt'n Samuell Gorton, chosen by the free votes of the freemen in this Assembly to the office of Assistants, and they not being here present to give engagment: this Assembly doe order, that the Recorder in the name of the Assembly doe draw up some lines and send to the said gentlemen, wherein to signify the election, and require their appearance forthwith before the Governor, or Deputy Governor, at Newport, there to give their engagement to the said offices they are elected unto.

Voted, The elected Governor, Major Peleg Sanford, coming into this Assembly and being desired and required to give his engagement, did owne his allegiance to his Majesty, yett said he had sufficient reasons, and would not accept to engage. Therefore this Assembly doe determine to proceed to the election of a Governor in his roome or stead.

Mr. William Coddington chosen Governor and engaged ; and alsoe took the oath for Trade and Navigation.

Voted, Whereas this Assembly upon the allegations of Mr. Wm. Coddington, saw cause to release him from serving in the employe of an Assistant in this Collony, forasmuch as they could conveniently supply his place in the said office, yett notwithstanding have seen meet since (upon the refusall of our late Honored Governor, Major Peleg Sanford, to take his engagement) to elect him the said Mr. William Coddington, Governor, and doe judge it will not bee safe for this Assembly upon the same tearms to release him from being Governor, notwithstanding his present allegations, and therefore doe earnestly desire him to take his engagement, wee seeing an absolute necessity for the same.

Voted, That a Committee be appointed and empowered by this Assembly to goe to our late Honored Governor, Major Peleg Sanford, and of him demand and receive the Charter and other papers, &c., in his custody, that doe belong to this Collony, and forthwith returne the same unto this Assembly.

The persons chosen and empowered, are Mr. Caleb Carr, Mr. Joseph Jencks, Major John Albro, and Mr. George Lawton, Assistants, and John Sanford, Recorder ; whoe also are empowered in the behalfe of this Assembly to give our said late Governor a full discharge for what they receive.

Voted, To be recorded.

Voted, The Committee aforesaid sent to our late Honored Governor, haveing according to the trust by this Assembly committed to them, applyed themselves, and having from our late Governor received the Charter, &c., as by the reciept under their hands appears ; a copy whereof hath been by them presented to this Assembly, and is ordered to be recorded. And haveing delivered the particulars therein mentioned, they are by the Assembly discharged of their said trust ; and the Charter and other pertickulars therein nominated, are committed to the keeping of our present Honored Governor, William Coddington.

Voted, This Assembly is adjourned untill the last Tuesday

in June next, which will be the 26th day of said month, then to meet againe at Newport. Only if there be urgent occasion, present, then by warrant from the Governor or Deputy Governor, the Assembly to convene sooner.

June 26th, 1683.

According to the aforesaid adjournment, the Assembly mett and sat.

Voted, That heareing there is a letter come from his Majesty, the heareing and considering thereof, shall be the first worke of the Assembly.

Voted, That Major John Greene and the Recorder are desired to draw up a hue and cry, and such other matters they shall judge needfull, in prossicution of his Majesty's commands to us, in a letter dated 20th of September, 1682, concerneing the apprehending one William Kelso ; and present it to this Assembly for their approbation.

Voted, In answer to the petition of Ann Warner, makeing complaint against her husband John Warner, for violating the marriage covenant, and abusing her by laying violent hands on her.

The Court haveing heard both their allegations, and perusing the evidences, although they see not cause at present to grant an absolute finall divorce, untill the fact hath been tryed at the Court of Tryalls. Yet notwithstanding, each party declaring their freedom for separation, this Court see cause to make a separation, soe that they shall not live together, but apart. Neither shall the said John Warner have any command of her, nor come in her company for the future, without further order from the Assembly. And this Assembly doe order, that such part of the estate as is by the said John Warner past over for the maintenance of her, his said wife, and children, is hereby ratifyed, and this order to be observed from this present 27th of June.

Voted, Whereas Capt'n Samuell Gorton at the Election, was by free vote chosen an Assistant, and in this Assembly positively refuseing to engage and serve in that office, the Assem-

bly doe agree to proceed to the election of another in his roome and stead.

Mr. Benjamin Barton chosen Assistant, engaged.

Voted, Whereas, Mr. John Warner was by the towne of Warwick chosen to be a Deputy in this Assembly, and being from time to time called, and not in Court appearing, and there haveing been presented to this Assembly such complaints against him, that the Assembly doe judge, and are well satisfied, he is an unfitt person to serve as a Deputy ; and therefore see cause to expel him from acting in this present Assembly as a Deputy.

Voted, That the Recorder doe draw a letter to be signed by our Honored Governor, and to be sent to his Majesty by the first opportunity ; and alsoe a letter unto Secretary Blathwaite, Esq'r, to deliver our letter to his Majesty.

Voted, That the Generall Assembly to sit in October next, shall be held at the towne of Providence.

Voted, That the Governor and Councill are desired to take speedy course for the settling of government and civill order in Kings Towne.

Voted, Whereas this Generall Assembly have determined that the Generall Assembly be held in October next, should be held at Providence, and probably the October Courts annually to be held at the two townes upon the maine, namely, Providence and Warwick ; and the Court considering the necessity of a cage for the secureing of prisoners, and alsoe the like necessity of a pair of stocks in each towne, for the punishing of offenders, this Court taking the premises into their serious consideration, doe hereby enact and appoint that there be a cage and a paire of stocks provided in each the townes aforesaid, by the last Wednesday in October next ; and the same to be done at each towne's proper charge.

Voted, Whereas there is a law in this jurisdiction, that any person or persons payinge down to the Governor of this Collony five pounds, might have a speciall Court called, be it therefore enacted, and it is the sense of this Assembly, that the said five pounds ought to be at the disposition of the major part of

the Assistants, sitting at said Court, to dispose of said five pounds for the benefit of the Court, according to their discretion; any law to the contrary hereof, notwithstanding.

Voted, Ordered, that Mr. Caleb Carr, Major John Coggeshall, and Mr. James Barker, are appointed an auditt, to take an account of the late Governor, Major Peleg Sanford, and Mr. Weston Clarke, Treasurer of all and every pertickular, that was taken and seized from the privateers, which were sent to Virginia, as moneys, plate, cloathing, guns, servant or servants, boate and other appurtenances belonging, &c., and present it to the next Assembly to sitt at Providence in October next.

Alsoe to take account of the late Treasurer Sanford, and Treasurer Clarke, what was seized in their hands, out of the barke White Wood, and make their returne to the said Court.

Voted, James Greene, Jun'r, Randall Howldon, Jun'r, and Benjamin Smith, Jun'r, beinge freemen of the towne of Warwick, are admitted freemen of this Collony.

Voted, Nathaniell Winsley, Nathaniell Mott, and James Mitchell, freemen of the towne of New Shoreham, are admitted freemen of this Collony.

Voted, That the Recorder shall have from each towne, the sum of fifteen shillings in or as money for copys of the acts of this Assembly, under the seale of the Collony; and writeing a letter to his Majesty, and a letter to Secretary Blathwaite; and for severall other writeings by him done at this Assembly, and the enteringe these acts.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Warwick, the 20th of August, 1683.

The Governor chosen Moderator.

Voted, Forasmuch, as the Recorder through the illness of his family, is forced to be absent, John Potter is chosen Clerke to this Assembly.

Voted, Whereas our Honored Governor and Councill, have presented to this Assembly a letter sent by the Honored Edward Cranfield, Gov'r of New Hampshire, and others with him, desireing the publishing of some printed briefs, and the Councill haveing seriously perused the said printed briefs, order that they should not be publickely sett up in the Collony, for three reasons, viz. :

1. Because the said summons is not granted forth in his Majesty's name.

2. Because they have not shown any commission to this government from his Majesty, for their soe acting.

3. Because his Majesty hath not given any information thereof to us, by any of his Royall letters. This Court doe approve of the Governor and Councill's act therein ; the said printed briefs being not only dateless, but alsoe placeless.

Voted, That the Deputy Governor, Capt'n Arthur Fenner, Mr. Joseph Jencks, Major John Greene, Mr. James Barker, Mr. Edward Smith, Mr. Caleb Arnold, Mr. Samuell Gorton, are chosen a Committee to consider concerneing a letter from the Honored Edward Cranfield, Governor of New Hampshire, in order to the publication of a printed paper, called a summons, subscribed by William Warton, and to consider what to draw up to the Honored Edw. Cranfield, and the rest, said to be commissioned with him, to assemble at Mr. Richard Smith's, the 22d instant, haveing shown noe commission from his Majesty to this government for their soe acting.

Letter to the Governor of New Hampshire.

To the Honored Edward Cranfield, Esq'r, Lieftenant Governor and Commander-in-Chiefe of his Majesty's Province of New Hampshire, William Staughton, Joseph Dudley, Nathaniell Saltingstall, Edward Randolph, Samuell Shrinton, John Fits Winthrop, Edward Palmer, and John Pinchean, Esq'rs, at the house of Mr. Richard Smith, at Narragansett, in the Colony of Rhode Island and Providence Plantations, or King's Province, or soe many of them as are there present, these.

Per Mr. James Greene, Sen'r, and Mr. William Allin.

Warwick, August the 21st day, 1683.

Honored Gentlemen: Whereas his Royall Majesty by his gracious Letter Pattents, under the broad seale of England, hath betruſted and empowered us with the government of his subjects here in this his Collony of Rhode Island and Providence Plantations, as alsoe by severall of his Royall letters, hath confirmed and encouraged us therein; and this Court understanding by some printed briefs, together with a letter to our Honored Governor, from yourselves, that you intend to meet at the house of Mr. Richard Smith, at Narragansett, the 22d instant: therefore, forasmuch as the government have not not seen any commission from his Majesty, for your soe meeting, wee doe expect at this Generall Assembly now in being, that you doe forthwith before you make any further proceeds, produce his Majesty's commission to our view, that wee may be informed what his Majesty's will and pleasure is concerning us therein; and the rather because we have received noe intimation thereof, by any of his Royall Majesty's letters, as formerly, in such cases. Thus, not doubting of your ready compliance with soe just a demand,

Wee take leave and remaine, gentlemen,

Your friends and neighbours,

JOHN POTTER, Clerke.

By order and appointment of the Generall Court.

Voted, That Mr. James Greene, Sen'r, and Mr. Wm. Allin, are desired and appointed as messengers to convey a letter to Governor Cranfield, at Mr. Richard Smith's house, at Narragansett, and to bring their answer.

Voted, This Assembly is adjourned untill to-morrow morning, then to meet at the house of Capt'n John Foanes, at Narragansett, or King's Province, at eight of the clock, in the morning, or thereabouts.

August 22d, 1683.

The Assembly being mett accordinge to adjournment, this 22d of August, 1683.

Wee, James Greene, Sen'r, and William Allin, being messengers appointed by this Assembly to convey a letter unto Governor Cranfield, and some others with him at the house of Mr. Richard Smith, at Narragansett, which accordingly wee did, and upon the delivery of the same unto Governor Cranfield, I, the said James Greene told the said Governor Cranfield, that the letter was sent by the Governor and Assembly of this Colony. The said Governor Cranfield asked what Governor. I, the said James Greene, answered it was sent by the Governor of Rhode Island and Providence Plantations, with the Assembly thereto belonging, which is now in being. Then the said Governor Cranfield answered againe, that he knew of noe Governor in the King's Province.

Dated this 22d of August, 1683, at the house of Capt'n John Foanes, at Narragansett.

JAMES GREENE, Sen'r,
WILLIAM ALLIN.

Voted, Forasmuch as wee understand upon the return of our messengers, Mr. James Greene and Mr. William Allin, that they delivered the Court's letter to the Honored Edward Cranfield, Lieftenant Governor, and Commander-in-Chief of New Hampshire, signifying that it was a letter sent from the Governor and Court of the Collony of Rhode Island and Providence Plan-

tations, whereunto they say the Honored Governor Cranfield answered that he owned noe such Governor here in the King's Province ; and noe returne being made to our letter, &c., or any commission produced to this Assembly, but understanding that they proceed to setting a Court: therefore, this Assembly takeing the matter into searious consideration, doe unanimously order and agree, that the Honored Governor and Councill, doe forthwith send forth a Prohibition, under their hands and seales, in his Majesty's name, forbidding them to proceed in keeping Court ; and to require all persons to depart peaceably, in pain of contempt of the King's authority.

Prohibition.

To Mr. Edmund Calverly, Generall Sergeant, whoe is required in his Majesty's name forthwith to publish this Prohibition at or near Mr. Richard Smith's house, in Narragansett.

Wee, the Governor and Councill of his Majesty's Collony of Rhode Island and Providence Plantations, &c., haveing understood not only by our messengers, Mr. James Greene and Mr. William Allin, but alsoe by a letter from under the hand of William Wharton, Register, said by order of his Majesty's Commissioners, bearing date Narragansett, 1683: that the Honored Edward Cranfield, Governor and Commander-in-Chief of New Hampshire, together with other associates have this day presumed to settle a Court at Mr. Smith's house, by vertue of some printed briefs given forth in their owne name, without either date or place mentioned where it was made, not showing this government any commission from his Majesty for soe doing, notwithstanding the Court's demand thereof. And wee being bound by virtue of his Majesty's commission, under the broad seale, &c., to provide for the peace and safety of his Majesty's subjects here, doe in his Majesty's name prohibit the said Edward Cranfield and associates, for keeping Court in any part of this jurisdiction. And wee alsoe hereby require in his Majesty's name, every person or persons within the

verge of this Collony and King's Province, peaceably to depart and not be abbettors to the said pretended Court, in pain of contempt of his Majesty's authority.

Given under our hands and seales at Capt'n John Foanes's house, at Narragansett, this 22d of August, 1683.

WILLIAM CODDINGTON, Gov'r,
 WALTER CLARKE, Dep'y "
 JOHN EASTON, Assistant,
 ARTHUR FENNER, "
 JOSEPH JENCKS, "
 RICHARD ARNOLD, "
 JOHN ALBRO, "
 GEORGE LAWTON, "
 JOHN GREENE, "
 BENJ. BARTON, "

Letter to the Governor of New Hampshire.

To Edward Cranfield, Esq'r, Lieftenant Governor, and Commander-in-Chief of his Majesty's Province of New Hampshire, with the rest concerned, these.

Gentlemen: Your lines beareing date August 23, 1683, came to our hands by two of your three messengers, John Pincheon, Esq'r, and Mr. William Wharton, wherein you give us to understand that according to your printed briefs, you convened the 22d instant, at Mr. Richard Smith's house, at Narragansett, for persons to have opportunity to exhibit information, and bring in evidence in his Majesty's behalfe, and to prossicute their owne claimes, and that you had accordingly assembled, &c., hoping that by our dutyfull compliyanse with his Majesty's commands, you might bee enabled to make report, &c., signifying that after two days' attendance here by our neglect, and contempt of his Majesty's commission, &c., you were necessitated to adjourn to Boston.

Whereunto wee answer, that wee are heartily sorry that you should, through your unneighbourly deportment in this government withhold from us the sight of your commission, soe to

contemne his Majesty's authority here, as to hinder us from being serviceable to his Majesty therein. And for your slighting his Majesty's authority here, have extorted from us a Prohibition against your further proceeds: notwithstanding wee had used all our endeavours by trancesporting our records, and holding, adjourning and continuinge his Majesty's Generall Court here four days time and upwards, in hopes and expectation of your compliance, that wee might have served his Majesty herein as formerly wee have done, and have to show his Majesty's gracious letters in approbation thereof. And soe wee take leave, and remaine,

Your friends and neighbours,

JOHN POTTER, Clerke.

By order of the Court.

From Capt'n John Foanes's house, 24th day of August, 1683.

By this said Court and by the authority thereof, was nominated, deputed and appointed, authorized and engaged, Mr. Jireh Bull and Capt'n John Foanes, to be Conservators of his Majesty's peace, in the towne of Kings Towne.

Mr. Daniell Vernon chosen Clerke of said towne, and engaged thereto, by said Court.

Mr. Samuell Albro, chosen Treasurer, and engaged to said office, by the said Court.

Thomas Mumford, Henry Gardner, John Andrew, and James Hasleton, chosen Constables for said towne, and engaged to their said offices, by the said Court.

Job Jennie, chosen Sergeant for said towne, and engaged to his said office, by said Court.

Voted, That the draught of a letter to his Majesty here presented, be carryed to Rhode Island; and that the Governor and Deputy Governor and Councill of the said Island, shall perfect the same, and to convey it away by the first opportunity they can, with all other writeings therein mentioned, to be enclosed in the same.

Voted, That this Assembly is adjourned untill the 10th day

of September next, ensueing ; and then to meet and convene at Newport, at the house of William Maize.

September 10th, 1683.

The Court called, and did sit according to adjournment.

Voted, The Deputy Governor, Capt'n Arthur Fenner, Major John Greene, Major John Coggeshall, Mr. Joseph Jenckes and Capt'n Randall Houldon, are appointed and chosen a Committee to draw up a remonstrance to present to this Assembly to consider of with respect to the late proceeds betwixt Governor Cranfield and associates, and this government ; and to make returne unto this Assembly of what they shall act therein, at their sitting to-morrow morning, at eight of the clock, or the second ring of the bell ; which was accordingly done, and voted to be transcribed and sent.

Voted, In answer to the petition of Christopher Almy, beareing date Newport, the 10th of September, 1683, it not coming in forme according to law, to witt: the Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, this Assembly doth see cause to returne the said petition, with the money alsoe with it.

Voted, The Deputy Governor, Capt'n Arthur Fenner, Major John Greene, Major John Coggeshall, Capt'n Randall Houldon, Mr. Joseph Jencks, Mr. Thomas Ward, and Mr. William Wodell, them, or the major part of them, are chosen a Committee to draw up a draught of a letter, to be sent to his Majesty ; and to make returne unto this Assembly of what they shall act therein.

Voted by this Assembly, that what moneys of the Collony's that are in the hands of the late Governor, Major Peleg Sanford, that concernes the Collony, or was gathered for the late Governor of York, Edmund Andros, Knight, be forthwith delivered to our Honored Governor, William Coddington, Esq'r, or Deputy Governor, or either of them, and their, or either of their receipts, shall be Major Peleg Sanford's discharge for soe much as he received.

Voted and ordered by this Assembly, That the letter drawn

up to send to his Majesty, the copy thereof being now perfected; and the letter drawn up to send to the Right Honorable the Lords of the Committee, with their writings, that are alsoe ordered to be sent, bee committed to the care of the Governor and Deputy Governor, or either of them, to git them fairly trancescribed, and send them away by the first expedition; and what charge they, or either of them are at for the same, shall be paid.

Voted and ordered, That the Assembly vote by papers for an Agent to be sent for England.

The Agent chosen, is Capt'n Arthur Fenner.

Voted, That a levie of £400 in money, bee raised within the precincts of this Collony, and that the stateinge of the said levie on each towne, Islands and places, more pertickularly is referred to the next Generall Assembly, to be held at Providence, the last Wednesday in October next; and this levie to be only for the use of sending an Agent for England.

Voted, That the Assembly doe vote by papers for an Agent to be sent for England, with Capt'n Arthur Fenner, whoe was first chosen.

The Agent chosen, is Major Peleg Sanford.

Voted, That copys of the Generall Assembly's acts shall be transcribed by John Potter, Clerke to this said Assembly, and copys thereof be presented unto Mr. John Sanford, Recorder of this Collony, who is, in his Majesty's name, hereby required forthwith to affix the seale of the Collony unto each copy; and that the said Clerke shall immediately within twenty days after the dissolution of this Assembly, send forth a copy thereof unto each respective towne within the jurisdiction of this Collony.

Voted, That the said Clerke, for giveing his attendance as Clerke to this Assembly, and for copys of the Assembly's acts as above-said, shall have from each severall towne in this Collony, the sum of seven shillings and sixpence in money, paid to him.

It is further ordered, That the Recorder shall have two shillings and sixpence in money, for affixing the seale of the Collony

unto each respective copy, and for recording the acts of this said Assembly in the Booke of Generall Records, the sum of seven shillings and sixpence in money, and this to be paid unto the said Recorder proportionably by each respective towne within the jurisdiction of this Collony, aforesaid.

Voted, That the petition of Christopher Almy is referred to the next Generall Assembly in October next, in Providence.

Voted, That the bill presented by Mr. Edmund Calverly to this Assembly for his service, done in giveing his attendance as Generall Sergeant on this Assembly, is allowed, and ordered to be paid to him, which said bill is two pounds, one shilling and sixpence, in or as money.

Voted, This Assembly is dissolved.

A true copy, Per JOHN POTTER, Clerke.

The seale of the Collony affixed.

Per JOHN SANFORD, Recorder.

*Letter from Rhode Island to the Lords of his Majesty's Committee
for Trade and Plantations.*

Newport, this 15th of September, 1683.

Right Honorable : May it please your Lordships to afford us his Majestie's subjects, the Governour and Company of his Majestie's Collony of Rhode Island and Providence Plantations, in New England, the continuance of your favourable aspect, next under his Majestie, humbly desiring your Lordships, in case any returne should come before your honours, from Edward Cranfield, Esq'r, Lieutenant Governor and Commander-in-Chief of New Hampshire, William Stoughton, and other associates, said to be in commission with them, to inquire into the claimes as well of his Majestie, as of all other persons or Corporations, that your Lordships would please so farr to favour us, as to desire his Majestie to cause a stop to be put to a full determination thereon ; because we humbly conceive, if there should be any proceed therein, his Majestie himself as well as his Majestie's liege people and subjects here, will be injured and disappointed, who were all in readiness to have appeared before the

said Commissioners, as well for his Majestie's interest, as their owne; provided the said Commissioners would have shown their commission to his Majestie's Governor and Court here, who assembled first at the towne of Warwicke, the 20th of August, last past, and from thence adjourned to Capt'n John Fones's his house, at Narragansett, the next day, neare where they met, having provided themselves with such Records as might make for the clearing of truth, both for his Majestie and his liege people. But although his Majestie's Court here desired it, and waited with patience, nevertheless those Commissioners produced not their commission to our view, but removed out of our Collony, to the great disappointment not only of his Majestie's Collony in generall, but also of the towne of Westerly, formerly called Misquamacuck, as well as others.

We could have heartily wished that those gentlemen might have been as well received by us, as his Majestie's former Honorable Commissioners, Collonell Richard Nichols, Robert Carr, Knights; Collonell George Cartwright, and Samuell Maverick, Esq's, who of their own accord, courteously showed their commission, under the broad seale, to our Governour and Councill, before they acted any thing in this his Majestie's jurisdiction; notwithstanding they brought his Majestie's Royall letters to signify the same, which the aforesaid Commissioners had not. May it please your Lordships to take notice, that we are ready to prostrate ourselves and concerns at his Majestie's feet, and notwithstanding take our selves in duty bound to uphold, and not to prostrate his Majestie's authority here, at any of our fellow subjects' feet. Wee humbly beg your Lordships, that in case any complaints come against us, that we may have notice, for we take it as a great favour granted to us by his Majestie in his gracious Patent, that in case of difference betwixt us and our neighbouring Collonies, wee have liberty granted to make our appeal to him.

Wee desire of the God of heaven to give him a long and a

happy reigne, and your Lordships all peace and happiness, and
remaine,

Your humble supplicants,
(Signed). WILLIAM CODDINGTON, Gov'r.

In behalf of his Majestie's Generall Assembly of Rhode Is-
land and Providence Plantations, in New England.

(Indorsed.) 15 September, '83.

From the Governour and Company, to the Committee.

*Representation from the Town of Warwick relative to the Narra-
gansett Country.*

To his Most Excellent Majestie, Charles the Second, of Great
Britain, France and Ireland, King, and the dominions there-
unto belonging.

The humble petition and remonstrance of Randall Houldon
and John Greene, inhabitants of the towne of Warwicke, in
your Majestie's Collony of Rhode Island and Providence Plan-
tations, in New England, humbly sheweth, that your petitioners
beinge members of your Majestie's Generall Court, held at
Warwicke, which Court being then assembled, August the
20th, 1683, and understandinge that the Honoured Edward
Cranfield, Esq'r, Lieftenant Governour, and Commander-in-
Chiefe of his Majestie's Province of New Hampshire, together
with William Stoughton, Esq'r, and other associates, said to be
in commission with him, were to meet at Mr. Richard Smith's
house, at Narragansett, to inquire into the claimes as well of
his Majestie as any other persons, to the Narragansett Country,
and as their printed briefs did declare, in order thereunto sent
a letter to them to produce their commission to the view of the
Honoured Court, whoe saw cause to adjourne to Capt'n John
Fones's house, neere to Mr. Richard Smith's, waytinge for their
answer, but not obteyninge a sight of their commission, the
Governour and Councill sent forth a Prohibition under their
handes and seales, as well to prohibitt your Majestie's subjects
from attending them, as them from keepinge Court. In obedi-
ence thereunto, wee appearad not before them, although wee
together with your Majestie's Court, had prepared our selves

therefore, if wee could have understood your Royall Majestie's will and pleasure ; notwithstandinge wee, your Majestie's subjects, had before in the yeare 1678-9, given in a full relation before your Majestie in Councill, concerninge the Narragansett Country, as also then presented such writings which were with us, beinge at that time called before your Majestie to speake to a printed paper, called an Advertisement, wherein the Honored Simon Bradstreet, then Deputy Governour of your Majestie's Collony of the Massachusetts and others, had presumed to dispose of the landes called the King's Province. Whereupon your Royall Majestie was pleased to order your Royall letters to be sent to the respective Collonies, beareing date from Whitehall, the 12th of February, 1678-9, wherein is expressed as followes (and whereas our well-beloved subjects, Randall Houldon and John Greene, Deputies of the towne of Warwick, in the Collonie of Rhode Island, have certified our said Privy Councill of their certain knowledge as havinge inhabited that country for about forty yeares, that never any legall purchase had been made thereof from the Indians by the Massachusetts, or any others) which answer only related to the Advertisement. For wee stood there to vindicate his Majestie's interest as well as his Majestie's Collony of Rhode Island and Providence Plantations' just claim by Patent in opposition to the Collony of the Massachusetts, or any others. And therefore as in duty bound, wee most humbly prostrate ourselves before your Majestie, and humbly beg the continuance of your gracious aspect on us, your most humble subjects and supplicants.

(Signed.)

RANDALL HOWLDON,
JOHN GREENE.

From the towne of Warwicke, in your Majestie's Collony of Rhode Island and Providence Plantations, in New England.

September the 17th, 1683.

(Address.) To our Dread Sovereaigne, Charles the Second, King of Great Britain, Scotland, France and Ireland, &c., humbly present.

Summons to attend the Commission to examine claims to the King's Province.

By his Majestie's Commissioners for examining and inquiring into the claims and titles to the King's Province, or Narragansett Country.

Whereas, by a Commission from his Majesty, bearing date the 7th of April, 1683, Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimpton, John Fitz Winthrop, Edward Palmes, Nathaniel Saltonstall, and John Pynchon, Jun'r, Esq's, or any three of them (whereof Edward Cranfield or Edward Randolph to be of the quorum), are appointed and authorized Commissioners to examine and inquire into the respective claims and titles, as well of his Majesty as of all persons or corporations whatsoever, to the immediate jurisdiction, government, or propriety of the soyle of a certain tract of land within his Majesty's dominion of New England, called the King's Province, or Narragansett Country, and to call before them any person or persons, and to search records as they shall find requisite, and their proceedings therein, with their opinions upon the matters that shall be examined by them to state, and with all convenient speed report thereof to make to his Majesty.

In pursuance whereof, we the Commissioners have thought fit to certifie and publish to all persons and corporations concerned, that we have concluded and appointed Wednesday, the 22d of August next, to convene and assemble at Mr. Richard Smith his house, in the Narragansett Country, there to hear and receive the claims, proofs, pleas and pretentions, of all persons, whatsoever, either in behalf of his Majesty, or any other persons or corporations. And that we do hereby summon and require all persons and corporations, that either possess, or claim any right or title to the soyle or jurisdiction of or within the King's Province, or Narragansett Country, whether upon the main, between the rivers of Providence and Pauquattuck, the Islands of Cannonicut, Prudence, Patience, or any other Islands, which now or formerly are or were reputed to be part of, or belonging to the Narragansett Country, either personally or by their Representatives or Agents, fully instructed and impowered to appear, and give their attendance at the time and place aforesaid; and to produce all letters, acts and orders from his Majesty his Council, or any of his Commissioners to the respective Collonies, Governors or governments, with all such Charters, Deeds, Records and evidences whatsoever, that may tend to the clearing of truth herein, or authentick copies thereof.

And whereas upon information given, it is presumed that from the ancient Records of the acts of Court, &c., of grants and conveyances of land, kept at Rhode Island, some collections beneficial to his Majesty's interest, may be made; the said Collony of Rhode Island and Providence Plantations, is hereby especially required to produce all such papers, registers, or books of record, as have at any time been kept from the year 1640, or authentick copies thereof, to this day. And to the end that all persons and corporations concerned, may have seasonable and full notice hereof, we have ordered this summons to be printed, and sundry copies thereof attested by Mr. William Wharton (with particular letters under our hands, directed to the several Governors of his Majesty's Collonies in New England), that the same may be affixed and published in all convenient places within their respective jurisdictions. By order of his Majesty's Commissioners.

Boston, August 22, 1683.

Report of the Narragansett Commissioners.

To the King's Most Excellent Majestie.

May it please it your Majestie : Whereas your Majestie hath been graciously pleased by your Commission under your Royal signet, bearing date at Whitehall, the seventh day of April, in the five-and-thirtyeth year of your reign, to constitute Edward Cranfield, Esq'r, Lieutenant Governor and Commander-in-Chief of New Hampshire, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimpton, John Fitz Winthrop, Edward Palmes, John Pincheon and Nathaniel Saltonstall, Esq'rs, or any three of them (whereof Edward Cranfield, or Edward Randolph should be of the quorum), Commissioners for inquiring into the respective claims and titles as well of your Majestie as all persons and corporations whatsoever to the immediate jurisdiction and propriety of soyle to the King's Province, or Narragansett Country, and to make report of the same with their opinions upon the matters that should be examined by them, that your Majestie might cause impartial justice to be done.

In humble obedience to your Majestie's command, we, your Majestie's said Commissioners, whose names are subscribed, do humbly offer :

That upon receipt of your said Commission, we both by our letters to the several Governors and Councils of your Collonys, and by printed summons sent to them to publish if they saw cause, in their respective jurisdictions, for information of their people, signified the purport of your said Commission, and that we had appointed on Wednesday, the two-and-twentyeth of August to convene at the house of Mr. Richard Smith, in the Narragansett Country, to receive all such information, evidence, and claim as well in your Majestie's behalf, as of all persons and corporations whatsoever, as should be offered, with other necessary intimations ; and that upon the two-and-twentyeth of August we convened at the place aforesaid, where Capt'n John Allyn and Mr. John Wandsworth, two of the Magistrates of Connecticut Colony, as their agents ; Thomas Hinckley, Esq'r, Governor of New Plymouth, in person, and Mr. Waite Winthrop, Mr. Simon Lynde, Mr. John Saffin, Mr. Elisha Hutchinson, Mr. Richard Wharton, and Mr. Joshua Lamb, in their own behalf and as representatives for the rest that claim propriety in right of John Winthrop, Esq'r, and Major Humphry Atherton and partners, all appeared. And after very dutiful and thankful acknowledgments of your Majestie's great and gracious care, inform yourself, and by your finall determination to cause impartial justice to be done.

The agents of Connecticut and Governor of New Plymouth, in their Collonys' behalf, respectively claimed jurisdiction by Patent over the King's Province, or Narragansett Country ; and the said Winthrop, Lynde, Saffin, Hutchinson, Wharton, and Lamb, entered their claims and produced their evidences for the soyle of the said Provinces. Other claims were also exhibited to several parts of the said Province ; all persons any way concerned, expressing great satisfaction in, and submission to your Majestie's commands and our proceedings, except only the government of the Rhode Island and Providence Plantations, from whom, according to the information given to your Majestie's Commissioners, Anno 1664, and what was some years since suggested to your Majestie and Council by Randall Holden and John Greene, we expected farther information and evidence as to your Majestie's interest and propriety. But instead of their Collony's assistance in your

Majestie's concerns and prosecution of their own pretensions, their Generall Assembly was purposely called, and as we are informed, adjourned in an unusuall manner to a house in the Narragansett Country, distant about a mile from the place of our session ; who sent us a letter interdicting our proceedings, which not availing, they sent their Sergeant Generall in a riotous manner, with a great number of horsemen, who by loud proclamation, prohibited us from keeping Court in any part of their jurisdiction, commanding all persons within the verge of the Collony or King's Province, to depart, and not to be abettors to our pretended Court, as by their letter and Proclamation may more fully appear. Notwithstanding, we continued to make strict inquirys and examinations, both of the ancientest inhabitants of the English and Indians, for two days, and receive all such claims as were presented ; and in regard none appeared with any claim or plea in ycur Majestie's behalfe, we adjourned to Boston, there to meet on the 3d of September, following ; and substituted a Committee to carry a letter to Rhode Island Court, intimating our adjourning and demand in your Majesties's name and for your behoof, that the said Committee might search, peruse and examine the Records. And also sent particular summons in your Majestie's name to said Greene and Howldon to appear before us the 8d of September, and to give in evidence pursuant to the information or suggestions given to your Majestie in Councill, at Whitehall, which said letter was delivered to Mr. William Coddington, their Governor, and the summons to the said Greene in open Court. The answer, and reception whereof, and the methods of our proceedings, and of the great contempt offerd to your Majestie's Commission, by the Generall Assembly of Rhode Island, we humbly referr to a narrative drawn by Mr. William Wharton, our Register, and approved by ourselves, which with this will be humbly layd at your Majestie's feet.

Upon Monday, the third of September, we again convened at Boston, and gave further opportunities for new claims ; but none from Rhode Island appeared, so that they then failing in their duty, Mr. Richard Wharton and partners exhibited a printed book, containing a Deed, bearing date the 19th of April, 1644, being the subjection of two Chief Sachems named Pessicus and Cononicus, of themselves, their people and lands to the care, protection and government of your Royall Father, of blessed memory ; and with the said book was read a breviat or memorial of the occasions and improvement of said subjection ; the said Wharton and partners declaring that none of them knew of any other evidence as to your Majestie's propriety or interest in the soyle, neither hath any been offered by any other hand, so that we have primarily and seriously considered the severall claims before us to the jurisdiction which we find as well by the sayd printed Deed of subjection as by former capitulations and conclusions (after conquest of the Pequods) betweene your Majestie's subjects of the United Collonys and the Sachems and Councillors in the Narragansett Country, and the purchases, possession and improvement made by your Majestie's subjects to have been absolutely vested in your Majestie, and by your Majestie's letters Patents, dated in Westminster, the three-and-twentyeth of Aprill, in the fourteenth year of your Majestie's reign, that your Majestie granted to the Governor and Company of Connecticut and their successors, all that part of your dominion in New England bounded on the East by Narragansett River, commonly called Narragansett Bay, where the said River falleth into the sea, and on the North by the line of the Massachusetts Plantation ; and on the South by the sea, and in longitude as the line of the Massachusetts running from East to West ; that is to say, from the said Narragansett Bay on the East, to the South Sea on the

West part thereunto adjoyning, together with all firme lands, soyles, grounds, havens, ports, rivers, waters, fishings, mines, mineralls, precious stones, and all and singular other commodities, and jurisdictions whatsoever, reserving to your Majestie, your heirs and successors only the fifth part of the ore of gold and silver, as by the Charter may at large appear.

We have also had information, that some time after your Majestie's grant, and said Patent was sent to your Collony of Connecticut, the said country of the Narragansett was likewise, by Patent, granted by your Majesty to the Governor and Company of Rhode Island Plantation, and is by said Charter, bounded by a river called Pawcatuck, which, by said Charter is for ever to be accounted and called the Narragansett River. And this latter grant of your Majesty to Rhode Island seems to be founded upon advice submitted to you by John Winthrop, Esq'r, said to be Agent for Connecticut Collony, and Mr. John Clarke, Agent for Rhode Island; to which the Agents for Connecticut plead, that Mr. Winthrop's agency for them ceased, when he had obtained and sent the Patent to them, and that no submission or act of his could invalidate, or deprive them of any the benefits graciously granted by your Majestie's Charter; and notwithstanding the seeming boundaries, set by said articles, signed by Mr. Winthrop and Mr. Clarke, it is in the same articles provided, that the proprietors and inhabitants of the Narragansett country shall choose to which of the two governments to belong, and that they unanimously chose and subjected to the government of Connecticut, under which that Plantation began to prosper till the year 1664, when some of your Majestie's Commissioners (which its alledged without Coll. Nicholls, then absent, could make no valid act) in favor to the Rhode Islanders published some inadvertent orders since by Collonell Nicholls and themselves reversed. However, by the said orders, and the pretensions that the Rhode Islanders by virtue of their Patent make, we find they have much molested and discouraged the said settlement of said country, and occasioned continuall controversies between the said Collonys.

Pursuant therefore to your Majestie's gracious ends to quiet those disputes, we have carefully endeavored to obtain certain knowledge of the bounds of your Majestie's Province of the Narragansett Country; and upon the best evidence offered and examination of sundry ancient persons, both of the English and the Indians, it appears that a brook called Weccampaug, is near the sea the westerly bounds of the Narragansett Country; all the land which is in breadth about four or five miles, lying between the said brook and Pauquatuck, being the Pequod country, and by conquest taken from them and disposed to severall persons within which limits lye. Sundry farmers belonging by ancient grant to Harvard College, to Mr. Symon Lynde and other persons, whose titles being asserted have been acknowledged by all others' pretending propriety; and that the Narragansett Bay or River where it falls into the sea bounds of the Narragansett Country easterly, and by a testimony given by Governor Winslow in his life time upon another occasion, and also by information of sundry old and principal Indians, it appears that Patucket River, lying between Rehoboth and Providence, was the intended boundary, and river between Plymouth Collony and Providence Plantation, which in Plymouth Patent is called Narragansett River. This Patucket River falling into the greater Narragansett River or Bay that bounds Narragansett, so that between the sayd river of Patucket, Quenebaug and Nipmuck Country, to the northward, and Weccampaug brook westerly, lyes the whole dominion and territorys containing the Cohesit and Niantick Country, formerly and lately belonging to the Narragansett Sachems, and

generally called the Narragansett Country. As to the claim made by the Collony of Plymouth to jurisdiction and soyle, we find it hath only foundation from the name given to Pawquatuck of the Narragansett River, and if anciently and truly so called, then Plymouth Charter if confirmed by your Majestie, being granted by the Councill of Plymouth, and bears date the 13th of January, in the fifth year of the reign of your Royall father, will determine the controversie between Rhode Island and Connecticut, and comprehend the whole Narragansett and part of the Pequod country; the lands granted to Plymouth being bounded southerly by the Narragansett River. But with humble submission, we cannot see any cause to judge that the said Pauquatuck River anciently was or ought to be called or accounted the Narragansett River.

1. Because it lyes some miles within the Pequod boundary, a nation, till extirpated by the English, often or always at war with the Narragansetts, and to which territorys the Narragansetts never pretended.

2d. Because Pauquatuck River falls into the sea, many miles to the westward of the Narragansett Bay, we are of opinion that the Narragansett Bay is the River anciently called Narragansett River; both because it on the eastward washes and bounds the whole length of the Narragansett country; and for that Plymouth Colony (which hath now been planted near threescore years,) have ever since bounded themselves according to the term and limitation of their Patent by the same Bay called Narragansett River, towards the south, into which the freshes of said River emptys itself in a precipice.

Thus having humbly represented our opinions respecting the bounds and jurisdiction, with all humility, we report our opinions as to the propriety of soyl.

1st. We find by one Deed, dated the 11th of June, 1659, Coginaquand, chief Sachem and proprietor of the Narragansett country, did give, grant and convey, to John Winthrop, Esq'r, and Major Humphrey Atherton and partners, their heirs and assigns, one large tract of land, now called the Norward Tract; and the said Coginaquand by another Deed, dated the 4th of July, 1659, did in like manner convey to the said John Winthrop, Major Atherton and partners, another large parcell of land, now called the Southward Tract, or Namcocke. And we find by other Deeds from the other Sachems, the sayd conveyances ratified, and sundry receipts and acknowledgments of full satisfaction to all persons any ways concerned.

We also find, that by a Deed bearing date the 13th of October, 1660, Suquensh, Ninigret, Scuttup and Quequakanewsett, Narragansett Sachems, for valuable consideration, mortgaged to Major Atherton and partners, the remaining part of the whole Narragansett country, containing the Cohesitt and Niantick countrys; and find that as part of the consideration, seven hundred and thirty-five fathom of peague was paid November the 16th, 1660; and sundry oiber payments made and gratuities given to full satisfaction, as by sundry receipts and acknowledgments doth appear; the Commissioners of all your Majestie's Collonys approving these transactions. And we also find by the testimonys of John Button, William Cotten, John Rhodes, and Ambrose Leech, sworne before John Endicott, Esq'r, Governor of the Massachusetts, the 22d of September, 1662, and recorded at Hartford, that Scuttup and Ninigret, with sundry other Sachems, Councillors and Indians, to the number of two or three hundred, being assembled at a place called Petaquamscott, the said Scuttup in presence of sayd Indians, and many English also assembled, did, in behalf of himself, brother and friends, deliver possession by turf and twig, to

Capt'n Edward Hutchinson, Capt'n William Hudson, and Mr. Richard Smith, Jun'r, in behalf of themselves and partners, declaring the lands to be then already sold by Deed by themselves and the rest of the Saggamores, to Major Atherton and partners.

We also find that the said Major Atherton, Capt'ns Hutchinson, Hudson and partner, with great expense and industry, applyed themselves to the settlement and improvement of said country; many considerable farmes being laid out, houses and edifices erected, and two townships also laid out, and methods for improvements and tenures agreed upon the one town named Wickford, and the other Newbury.

Also it appears that the said purchasers did request and instruct John Winthrop, Esq'r, to supplicate your Majestie to add the said Narragansett country to the territories and jurisdiction of Connecticut, which your Majestie graciously granted, and was farther graciously pleased by your Royall letters, dated the one-and-twentyeth of June, 1663, directed to the Governor and Assistants of the severall Collonys to approve and encourage the purchasers' designs; and as your Majestie pleased then to call them laudable endeavors to settle and plant a Collony to the enlargement of your empire, and to recommend the said purchasers and proprietors to the neighborly kindness and protection of said Collonys, willing them upon all occasions to be assisting to them against the unjust oppression and molestation of those of Rhode Island, with other expressions of your Royall grace and favor to the said purchasers. Upon which titles and encouragements the claimants offer probable computation and arguments that their predecessors, themselves and persons concerned with them, have expended for purchasing and settling the said country at least twenty thousand pounds; and that had not the ill effects of the orders made by some of your Majestie's Commissioners that came over in the year 1664, and the great molestations and pretensions of the Rhode Islanders, obstructed the settlement, the country had by the planting the said two towns and other improvements, been so populous that great part, if not all the miseries of the late Indian war had been prevented.

Some other claims have been made by Mr. James Noyes and others of some other tracts of lands lying in the Niantick country as derived from Harman Garrett and his son, pretended Indian Sachems, who personally appeared before us; but upon examination, we find the said Harman Garrett or his son had not any right or power to dispose of any of the lands, the same having been beyond the memory of man possessed by Ninigret, the other Indians acknowledging the same.

Other claims also were exhibited to sundry other tracts within the Narragansett country, but the titles being either derived from or depending upon Mr. Winthrop and Major Atherton's purchase, we humbly conceive more proper for a Court of Judicature.

Thus after most strict and impartial inquiry and examination, having stated, we most humbly lay before your Majestie the severall originall claims and pretensions offered to us with respect to the propriety, both of jurisdiction and soyl in your Majestie's Province, or Narragansett. And in farther obedience to your said Commission, have seriously weighed and considered all evidences, pleas, proofs, and allegations, and added our own observations of the course of the Narragansett River or Bay, and situation of the country so far as we have travelled therein, and with most humble submission and reservation of your Majestie's right, so far as it may appear to your Majestie, offer our opinions, that by virtue of your letters Patents granted

to Connecticut, jurisdiction in and through said Province, or Narragansett country, of right belongs to the said Collony of Connecticut; and that propriety of soyl as derived from Mr. Winthrop and Major Atherton, is vested in the heirs and assigns of said Winthrop, the heirs of Thomas Chiffinch, Esq'r, Major Atherton, Mr. Richard Smith, Mr. Symon Lynde, Mr. Elisha Hutchinson, Mr. John Saffin, Mr. Richard Wharton, and partners, and such as derive from them; noe considerable opposition being by any corporation or person given before us to the claim and title; the same being granted by the sayd Agents of Connecticut. Notwithstanding we do not conceive that their purchases do any ways entitle them to any part of the Pequod country lying between Wecopaug and Pauquatuck River, nor that the former lawful purchases and possessions of the inhabitants of Providence and Warwick ought to be prejudiced thereby.

And finally, we hold it our duty humbly to inform your Majestie that so long as the pretensions of the Rhode Islanders to the government of sayd Province continue, it will much discourage the settlement and improvement thereof; it being very improbable that either the aforementioned claimants or others of like reputation and condition, will either remove their familys or expend their estates under so loose and weak a government.

And to the end that your Majestie may at all times have more particular satisfaction, and the persons concerned opportunity upon occasion farther to assert and prove their interest without hazarding their originall evidences upon the sea, we have caused an oath to be administered to our said Register, under his hand, to attest all such Deeds and papers as have been received by us, and to cobby and truly examine the same, and in like manner to attest to such coppys, and afterwards to return the originalls and copy upon demand, to the perrons that produced the same.

In obedience to your Majestie's gracious commission and commands, we with all humility offer this our report, which we cause to be duplicated, craving your Majestie's gracious acceptance of our dutifull endeavors to approve ourselves,

Your most loyall and obedient subjects,

[Boston, October 20, 1683.]

EDWARD CRANFIELD,
WILLIAM STOUGHTON,
SAMUEL SHRIMPTON,
JOHN PYNCHON, Jun'r,
NATH: SALTONSTALL.

As a farther addition to our report, we humbly offer, that since the close of your Majestie's Commission, Mr. Edward Randolph arriving and signifying his power in behalf of his Grace the Duke of Hamilton, to make claim to the King's Province, or Narragansett Country, we have again convened and summoned so many of the proprietors as could in so short a time assemble, and in their presence and hearing have read a cobby of the Duke's Deed, and heard Mr. Randolph's pleas and improvements thereon, and find it takes in some part of the said Province, or Narragansett Country; and have also received the answer and defence of said proprietors, which we herewith humbly transmit and submit to your Majestie's consideration; and have also ordered copies of the Duke's Deeds and proprietors' pleas, to be sent to the Collony of Connecticut, to the end they may have opportunity by the first conveyance to make their answer and defence before your Majestie.

EDWARD CRANFIELD,
WILLIAM STOUGHTON,
JOSEPH DUDLEY.

Letter from Edward Cranfield, Lieutenant Governor of New Hampshire, giving an account of Proceedings upon the Narragansett Commission.

New Hampshire, the 19th of October, 1683.

May it please your Lordships : Since Mr. Randolph's brother's departure from these parts, I have had nothing of moment, till now, to communicate to your Lordships, having spent all my time at Narragansett, and the neighbouring Collonies, the better to enable me to report to your Lordships the distinct interests and claimes to that Province. I shall presume only to give you some short account of, in which I shall not be tedious to your Lordships, since a report at large will be presented to your Lordships from those persons appointed for that service.

On the 22d of August, wee convened at the house of Mr. Richard Smith, in the said Province, having some time before sent letters to the severall governments and jurisdictions, and published printed papers, that all persons concerned, might have notice ; accordingly all appeared, except the Rhode Islanders, who the same day of our Convention, did assemble their Generall Court, and sent one Capt'n Greene with a letter from them to prohibit our proceedings. Nevertheless, wee proceeded upon the execution of his Majestie's Commission. Myselfe and the rest of the gentlemen, desired him to heare his Majestie's Commission read, and then he would know by what authority wee met there, which he refused either to hear or take a copy of; and no sooner returned to the Court, but a Marshall was sent to proclaim us an illegall Assembly, and showed so much undutifullness and disrespect to his Royall Commission, that had wee not borne it with moderation, it might have occasioned great mischief. They are a people utterly incapable of managing a government. These inclosed will sufficiently evidence their injustice and male administration. The Agents that they formerly empowered, were Capt'n Howldon and Greene, where, in a petition to his Majestie, they set forth, that the occasion of their troubles befell them, because of the consonancy of their judgments to the Church of England ; who are well knowne to be farr from it. As to the purchase they made of the Indian Kings for all the land of Rhode Island and Providence, and thereabouts, was only during the life of William Coddington and his friends ; there being but two living now, that can be called his friends, the purchase being not made in the name of the government and their successors, must necessarily devolve upon his Majestie. When the King's Commissioners in the yeare 1664, sat at Narragansett, it was then tearmed the King's Province, and wrested all the lands out of the governments of the neighbouring Collonies, notwithstanding without Coll. Nicholls his being there, without whom there could not be a quorum ; so consequently the act was invalid. Nor did Sir Robert Carr, Mr. Maverick and Coll. Cartwright make any determination, only appointing two justices of the peace, inhabitants of Rhode Island to be Conservators of the same, till his Majestie's pleasure was further knowne therein. I presume to recommend to your Lordships the petition of Thomas Partridge, a poor and helpless man ; they keep him from his father's possessions. There is Christopher Almy, and severall others, that will address to your Lordships for relief ; for their Records and laws are so kept, that none can know them, nor come to see them, without much expence of money and time ; and when seen, are hard to be well understood.

When Mr. Randolph came first into these parts to be Collector, &c., he brought with him a commission from his Majestie, empowering himself and severall others, with the Magistrates of Rhode Island, or any five of them, to administer an oath to the new elected Governors yearly, to observe the acts of Trade and Navigation. Mr. Randolph was present when the Governor first took the said oath, and left the commission with one Mr. Brindley, who yearly presented it in Court and required observance thereof; which was performed till the Election in May, 1682, and then the Governor (one Major Peleg Sanford, who now comes over Agent with Capt'n Arthur Fenner) refused to do it before Mr. Brindley, but desired him to withdraw, and afterwards took it; but would never deliver the Commission again. And as I am informed, their Assembly to whom it was not directed, have passed an act for the keeping it according to their minds. Their laws are so repugnant to the laws of England, so confusedly kept, and not publick, that it is very hard to come to see them. The laws of England are denied to the inhabitants, saying, they have laws of their own making. Neither are they under any obligation or oath, for they will not admit their Deputies to take an oath before they sit in Court to consult and act in the affairs of the Corporation. Much more might have been said to your Lordships of the corrupt and unjust proceedings of that government; and those persons that come over are declared enemies to the interest of his Majestie and Royall Highness, and carried themselves as disrespectfull to his Majestie's Commissioners. And to speak impartially, the other Collonies have not in their actions given any demonstrations of the contrary, and never will be otherwise till their Charters are broke, and the College at Cambridge utterly extirpated. For from thence those half-witted philosophers turne either Atheists or seditious preachers. So begging pardon of your Lordships for my tediousness,

I subscribe myself in all duty, my Lords,

Your Lordships' most humble and obedient servant,

(Signed.)

EDWARD CRANFIELD.

(Addressed.) For the Right Honorable the Lords of the Committee for Trade and Foreigne Plantations in Whitehall.

(Indorsed.) New Hampshire, 19th October, 1683. From Mr. Cranfield to the Committee.

Commission for examining claimes to the Narragansett Province, executed.

Letter from the Governor of Rhode Island to Charles the 2d, touching proceedings upon the Narragansett Commission.

Dread Sovereigne: Wee, your Majestie's subjects, of your Majestie's Collony of Rhode Island and Providence Plantations, most humbly prostrate our selves at your Majestie's feet, presenting our addresse to your most excellent Majestie, declaring that formerly wee readily received your Majestie's most Honourable Commissioners, Collonell Richard Nicholls, Robert Carr, Knight, Collonell George Cartwright and Samuel Maverick, Esq's, which Honoured gentlemen, although com-

missionated by your Majestie, yet notwithstanding they brought us your Majestie's Royall Letters, to acquaint us therewith, were so courteous as to present your commission under the broad seale to our view, before they acted in any thing in this your Majestie's jurisdiction. Whereupon wee received your Royall letters from your Court at Whitehall, bearing date the 23d of Aprill, 1664, and in the sixteenth yeare of your Majestie's reigne; the other bearing date the 10th of Aprill, 1666, and in the eighteenth yeare of your Majestie's reigne, manifesting how well you were pleased therewith; with such gracious expressions, that would melt the heart of your subjects, so to prostrate themselves and all their concernes at your Majestie's feet. It was our earnest desire that we might have been as well capacitated to have received the Honoured Edward Cranfield, Esq'r, Lieutenant Governour and Commander-in-Chief of your Majestie's Province of New Hampshire, and his associates, said to be commissionated from your Majestie, to inquire into the titles and claimes as well of your Majestie as others in your Province. Provided, they would have produced your Majestie's commission to our view, being demanded as the aforesaid Commissioners, Collo-nell Nicholls and associates did without demand. Notwithstanding these brought not your Majestie's Royall Letters for confirmation thereof, that so wee upon perusall thereof, might as wee had provided ourselves, been enabled to answer your Majestie's will and pleasure therein, and for the end and purpose transported the duplicate of our Patent, together with severall of your Majestie's Royall Letters and all other records of greate concerne from Rhode Island to the towne of Warwick, neere unto the King's Province, where our Generall Court was conveaned, and for the better effecting of the matter, the Court adjourned to Capt'n John Fones his house, at Narragansett, neare where the aforesaid gentlemen appointed to meete, but your Majestie's authority heere, after all endeavours, not obtaining a sight of their commission, could do no less but prohibit the said Commissioners in your Majestie's name for making any further proceeding; and have herein enclosed, sent your

Majestie a copy of the pretended summons, as also our letter desiring them to show us their commission, together with a copy of our Prohibition and Remonstrance; and intend with all convenient speed, to make our further application to your gracious Majestie, and to give as full information concerning the state of matter that concerns your Majestie's interest, and your subjects' peace and safety in this said Collony, as we are able.

So we take leave, humbly desiring the God of heaven to give your Majestie a long and prosperous reigne, and remaine

Your humble subjects and supplicants,

(Signed.) WILLIAM CODDINGTON, Gov'r.

By order of the Generall Assembly.

Newport, on Rhode Island, October the 19th, 1683.

(Address.) To our Dread Sovereigne, Charles the Second,
King of Great Britain, Scotland, France and Ireland, &c.,
humbly present.*

*Proceedings of the Generall Assembly held for the Collony of
Rhode Island and Providence Plantations at Newport, the
6th of May, 1684.*

Mr. William Coddington, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr,

Mr. John Coggeshall,

Capt'n Arthur Fenner,

* J. Carter Brown's *Mss.*, Vol. IV. Nos. 177-80, 183, 185.

ASSISTANTS.

Mr. Joseph Jencks,
Mr. Richard Arnold,
Major John Albro,

Mr. George Lawton,
Capt'n John Greene.
Mr. Benjamin Barton.

DEPUTIES.

For Newport.

Mr. James Barker, Sen'r,
Mr. Edward Thurston, Sen'r,
Mr. Thomas Ward,
Mr. Walter Rubary,
Mr. Phillip Smith,
Mr. John Woodman.

For Providence.

Mr. Stephen Arnold,
Mr. John Whipple, Jun'r,
Mr. Henry Brown,
Mr. Epenetus Olney.

For Portsmouth.

Mr. William Wodell,
Mr. Francis Brayton,
Mr. Caleb Arnold,
Mr. Robert Dennis.

For Warwick.

Mr. Benjamin Smith,
Mr. Thomas Greene.
Mr. Samuel Gorton,
Mr. Moses Lippitt.

For Westerly.

Mr. Jeffrey Champlin,
Mr. John Badcocke,

For New Shoreham.

Mr. John Rathbone.

*For Kings Towne.**For East Greenwich.*

Mr. George Vaughan,
Mr. Thomas Frye.

For James Towne.

Mr. Ebenezer Slocum.
Mr. Caleb Carr, Jun'r.

Mr. Walter Clarke, Deputy Governor, chosen Moderator.
John Sanford, Recorder, chosen Clerke.

Voted, Jonathan Holmes, Edward Pelham, William Brenton, John Rodman, John Harding, Andrew Willitt, Ralph Chapman, John Tillinghast, John Headly, Samuell Stapleton, Daniell Gould, Jun'r, John Godfrey, Samuell Cranston, and Charles Crosthwaite, all of the towne of Newport, are admitted freemen of this Collony.

Voted, Robert Lawton, Thomas Hassard, Joseph Sheffield, William Correy, Richard Cadman, Jacob Mott, Jun'r, William Browninge and Stephen Manchester, all of Portsmouth, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 7th of May, 1684.

The Assembly consisted of the above-written Governor, Deputy Governor, Assistants and Deputys.

The Deputy Governor chosen Moderator.

The Recorder chosen Clerke.

The Charter openly read.

Voted, The Recorder shall write the names of all those that bring in their votes for Governor.

Voted, That Mr. Thomas Ward and Lieut. Francis Brayton, shall receive the votes from each man's hand, and see that noe deceit be used, and put the votes into the hat.

Voted, Major John Coggeshall and Major John Greene are to open the proxies, and as the Election proceeds, put the votes into the hat.

Voted, That the Election proceed.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.

Mr. William Coddington,

DEPUTY GOVERNOR.

Mr. Walter Clarke.

ASSISTANTS.

Mr. John Easton,

Mr. Caleb Carr,

Mr. John Coggeshall,

Capt'n Arthur Fenner,

Mr. Joseph Jencks,

Mr. Richard Arnold,

Major John Albro,

Mr. George Lawton,

Major John Greene,

Mr. Thomas Greene.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Edmund Calverly.

GENERAL TREASURER.

Mr. Weston Clarke.

GENERAL ATTORNEY.

Mr. John Pococke.

GENERAL SOLICITOR.

Mr. John Pococke.

MAJOR FOR THE ISLAND.

Mr. John Coggeshall.

MAJOR FOR THE MAINE.

Major John Greene.

Voted, This Assembly is adjourned till to-morrow morninge, eight of the clock, or second ring of the bell; then to meet and sit at the now dwelling house of John Davis, in the room that usually the Court useth.

May the 8th.

The Assembly called and sat.

Voted, By reason of our Honoured Governour's illness, this Assembly adjourned to sit in the Governour's house, in order to his engagement to the place and office of Governour for the yeare ensueing.

The Assembly called and sat at the Governor's house.

The Governor engaged, and also took the oath, according to the act, for Trade and Navigation.

The Assembly adjourned to meet and sit again, at the house of John Davis.

May the 10th.

At the house of John Davis, the Assembly called and sat.

Voted, Mr. Caleb Arnold, by the Election, chosen an Assistant, and in this Assembly declared that he would not engage unto the office; therefore, the Assembly agree and order, to proceed to the election of another in his roome, or stead.

Mr. William Wodell chosen Assistant, who positively denying to engage, the Assembly doe order to proceed to the election of another in his roome, or stead.

Mr. George Lawton chosen Assistant and engaged.

Voted, Whereas the free inhabitants of Rhode Island, the towne of Providence, and Warwick, and sundry other places adjacent to the Narragansett Bay, in New England, in America, did request and appoint and employ their well-beloved friend, John Clarke, late of Newport, on Rhode Island, aforesaid, deceased, in his life time to be their Agent in the Kingdom of England, to make supplication on their behalfe, to his Most Excellent Majesty, Charles the Second, King of England, Scotland, France, and Ireland, and the dominions thereunto belonging, &c., that his Majesty would be pleased to grant the said

free inhabitants his Letters Pattents, of Incorporation, which he, the said John Clarke, in the Kingdom of England did of his Majesty claime on their behalfe, dated Westminster, the 8th of July, in the fifteenth yeare of his Majesty's reigne, in and by which said Letters Pattents, his Majesty was graciously pleased to grant unto the said freemen that they should forever be a body politick and corporate in fact and name, by the name of the Governor and Company of the English Collony of Rhode Island and Providence Plantations, in New England, in America. And to grant unto the said Governor and Company, and their successors, &c., all that part of his dominions in New England, in America, containinge the Nihantick and Nanhigansett, alias Narragansett Bay and countrys and parts adjacent, bounded (as mentioned in our Charter), and in pertickular the lands belonging to the towne of Providence, Pawtuxett, Warwick, Misquamacuck, alias Pauquatuck, and the rest of the main lands, contained in said grant; with Rhode Island, Block Island, and the rest of the Islands, &c.: to have and to hold the same unto the said Governor and Company, and their successors forever, upon trust, for the use of themselves, and their associates, freemen of the said Collony, their heires and assignes, as doth more at large appear by the said Letters Pattents. And whereas, in the beginning of this Plantation, and improvement of the lands within this Corporation, when the lands were of small value, being unimproved; and also for want of scribes that were skilful in making conveyances, according to the formalities in use: by reason whereof, great trouble and damage may ensue to the rightful owners of such lands, who have been at great charge to improve them. And upon the serious consideration of the premises, this Assembly have thought meet to confirm the lands in this Corporation to the first freemen of the said towns, their associates and derivatives, and their heires, and assignes, for ever, in the same state and tenure as granted to us.

Be it further enacted, and it is ordered and enacted by this Assembly and the authority thereof, that all and singular the lands of Rhode Island, with other lands according to custom,

shall be and remain for ever in two townships, already known by the names of Newport and Portsmouth ; and that the last line agreed upon between the freemen of each of the said towns, shall be the dividing line between the said townships on Rhode Island.

And also be it further ordered and enacted, by the authority aforesaid, That all and singular the lands that have already been granted by the freemen of both or either of the said towns of Newport and Portsmouth, within the precincts of the said townships, to all and every person or persons, or either of them, shall be deemed and taken to be firm, good and sufficient, to and for the said grantees and every of them, their and every of their heirs and assigns, to make or cause the said lands by the said freemen, to them and every of them granted, to be a good and clear estate of inheritance in fee simple for ever, in free and common soccage, according to the said Letters Pattents to us granted.

And also be it further ordered and enacted by the authority aforesaid, That all and singular the lands now possessed and occupied by the said grantees, their heirs or assigns, or any other person or persons, now in fence within the precincts of the said townships of Newport and Portsmouth, or either of them, shall be and remain unto the present proprietors, and their heirs and assigns, for ever. Notwithstanding there may be more or less lands therein contained than by grant or grants may appear ; except highways and such lands as have in a publick manner been claimed and contended for by the said freemen, shall from henceforth be deemed and taken to be the true and lawfull property in fee simple of the said persons and their heirs and assigns for ever, soe inclosing and possessing the same, either by themselves or their assignes. And that from hence forward, the said freemen or their successors, considered as a body or company, shall have no right, claim or cause of action in or unto the said lands, or hereditaments inclosed as aforesaid. Reserving, notwithstanding any thing herein expressed, to all and every pertickular person or persons their respective, lawful pertickular claims.

And also be it further ordered and enacted by the authority aforesaid, That all and singular the lands lying and being undivided or common within the precincts of each of the said townships, shall be deemed and taken to be the property of every freeman of the said town, as such and their successors, freemen of the said towne, for the time being. And that the freemen of the said town of Newport, have also liberty in their publick town meetings to grant and dispose of the said undivided lands, according to their usuall custom.

Voted, Upon the petition of Thomas Gould, of Kings Town, to this Assembly, it is ordered, that the said Thomas Gould complying with the sentence of the Generall Court of Tryalls, held in Newport, in March last, the said Thomas Gould hath his liberty to return to his habitation at Kings Town, in the Narragansett, he behaving himself civilly, according to his bonds.

Voted, The Assembly, on serious consideration, see cause to adjourn until the last Tuesday in June next, which will be the 24th day of said month, then to assemble again at the now dwelling house of John Davis, in Newport; but yet if any urgent occasion present, then by vertue of the Governor's warrant, or in his absence, or by his permission, the Deputy Governor's warrant, to assemble sooner.

Tuesday, June 24th.

According to the aforesaid adjournment, the Assembly met.

Voted, Whereas our Honored Governor hath presented to this Assembly a gracious letter from his sacred Majesty, with a letter from the Right Honourable Sir Leoline Jenkins, one of his Majesty's Principal Secretarys, with a Proclamation by his Majesty's special command, for the suppressing Privateers, and Pirates, this Assembly in all due obedience to his Majesty's Royall commands, and therein to prove themselves liege subjects, doe order and determine, that the said Proclamation be forthwith published in the town of Newport, by beat of drum; and the Recorder is appointed to read the said Proclamation at three of the most publick places in said Newport.

Voted, By virtue of his Majesty's gracious letters to this Collony, from his Court at Newmarket, bearing date the 8th of March, 1683-4, with directions for the establishing a law for the suppressing of Privateers and Pirates, this Assembly in due obedience to his Majesty, and the preserving of the peace of his loyal subjects, doe enact this following, namely:

An act for the restraining and punishing Privateers and Pirates.

Whereas, nothing can more contribute to his sacred Majesty's honour, than that such articles as are concluded and agreed upon in all treaties of peace, should by all his Majesty's subjects according to their duty, be most inviolably preserved and kept, in and over all his Majesty's dominions and territories. And whereas not only against such treaties of peace made by his Majesty with his allies, but also contrary to his Majesty's Royal Proclamations severall of his subjects have and do continually go off from this Collony unto foreign Princes' services, and sail under their commissions contrary to their duty and good allegiance, and by fair means cannot be restrained from so doing.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted by the authority of the same, That from and after publication hereof, it shall be felony for any person which now doth, or within four years last past heretofore hath or hereafter shall inhabit or belong to this Collony, to serve in America in any hostile manner, under any foreign Prince, State or Potentate, or any employed under any of them, against any other foreign Prince, State or Potentate, in amity with his Majesty, without special licence for so doing, under the hand and seal of the Governor, or Commander-in-Chief of this Collony for the time being. And that all and every such offender or offenders contrary to the true intent of this act, being thereof duly convicted in any of his Majesty's Courts of Judicature within this Collony, to which Court authority is hereby given to hear and determine the same, as in other cases of felony, shall suffer pains of death, without benefit of the clergy.

Provided nevertheless, That this act nor any thing therein contained, shall extend to any person or persons which now are or have been in the service and employment of any foreign Prince, State or Potentate whatsoever, that shall return to this Collony, and leave and desert such service and employment before the twenty-ninth day of December next ensueing, rendering themselves to the Governor or Commander-in-Chief for the time being, and giving him such security as he shall appoint for their future good behaviour; and also that they shall not depart this Collony without the Governor's leave.

And for the better and more speedy execution of justice upon such who, having committed treasons, piracies, felonys, and other offences upon the sea, shall be apprehended, in, or brought prisoners to this Collony.

Be it further enacted by the authority aforesaid, That all treasons, felonies, piracies, robberies, murthers, or confederacies, committed or that hereafter shall be committed upon the sea or in any haven, creek, or bay, shall be inquired, tried, heard, determined and judged within this Collony in such like form as if such offence had been committed in or upon the land. And to that end and purpose, commissions shall be had under the King's great seal of this Collony, directed to the Judge or Judges of the Admiralty of this Collony, for the time being, and to such other substantiall persons, as by his Majesty's Governor or Commander-in-Chief of this Collony for the time being, shall be named or appointed: which said Commissioners or such a quorum of them, as by such Commission shall be thereunto authorized, shall have full power to do all things in or about the inquiry, hearing, determining, adjudging and punishing of any the crimes and offences aforesaid, as any Commissioners to be appointed by commission under the great seal of England, by virtue of a statute made in the twenty-eighth year of the reign of King H., 8, are empowered to doe and execute within the Kingdom of England. And that the said offenders which are or shall be apprehended in, or brought prisoners to this Collony, shall be lyable to such order, process, judgments and execution by virtue of such commission to be

grounded upon this act, as might be awarded or given against them, if they were proceeded against within the realm of England, by virtue of any commission grounded upon the said statute. And all tryalls heretofore had against such criminall or criminalls before any Judge or Judges, by virtue of such commission or authority at any time heretofore granted, and all proceedings thereupon, are hereby ratified, confirmed and adjudged lawfull. And all such Judges with all and every the inferior officers that have acted thereby, are hereby indemnified to all intents and purposes whatsoever. And in case they or any of them shall at any hereafter be sued, vexed, mollest-ed or troubled for any such their proceedings, as aforesaid ; he or they so sued, vexed, or mollest-ed, shall plead the generall issue, and give this act in evidence, any law, statute, custom or usage, to the contrary in any wise, notwithstanding.

And be it further enacted by the authority aforesaid, That all and every person or persons that shall any way knowingly entertain, harbor, conceal, trade, or hold any correspondence by letter, or otherwise, wtht any person or persons, that shall be deemed or adjudged to be privateers, pirates, or other offenders, within the construction of this act ; and shall not readily to the best of his or their power, to apprehend or cause to be apprehended, such offender or offenders shall be lyable to be prosecuted as accessaries and confederates, and to suffer such pains and penalties, as in such case by law is provided.

And for the better and more effectual execution of this act, be it further enacted by the authority aforesaid, that all commissioned officers in their severall precincts within this Collo-ny, are hereby required and empowered upon his or their knowledge or notice given, that any pirates or other persons suspected to be upon any unlawful design, are in any place within their respective precincts to raise and levy such a number of well armed men as he or they shall think needful for the seizing, apprehending, and carrying to jail all and every such person or persons. And in case of any resistance or refusall to yield obedience to his Majesty's authority, it shall be lawfull to kill or destroy such person or persons ; and all and every

person or persons that shall oppose or resist by striking or firing upon any of the commanded parties, shall be deemed, taken and adjudged as fellows, without benefit of clergy. And every such officer that shall omit or neglect his duty herein, shall forfeit fifty pounds currant money of this Collony by bill plaint, or information, wherein no essoign wager of law or protection shall be allowed; one moiety thereof to be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this Collony, and the contingent charges thereof; and the other moiety to the informer. And all and every persons or persons that upon orders given him or them, shall refuse to repair immediately with his or their arms well fixed, and ammunition, to such place or places as shall be appointed by said officer, and not readily obey his command in the execution of the premises, shall be lyable to such fine or corporal punishment as by a regimental court martiall shall be thought fit.

Voted, That the act of this Assembly for the suppressing privateers and pirates, &c., is ordered to be forthwith published in the town of Newport, by the Recorder, with drum and attendance.

Voted, Forasmuch as there is to this Assembly a complaint presented by John Borden, of the town of Portsmouth, that he is unjustly mollested and arrested in fallacious manner, for maintaining the true right of this his Majesty's Collony, against the intrusions of the authority of Plymouth Collony, this Assembly seriously considering the matter, do refer the consideration thereof to a Committee to draw up their result thereon, and present to this Assembly for approbation.

The persons chosen, are the Deputy Governor, Major John Greene, Mr. James Barker, Mr. William Wodell, Mr. Caleb Arnold, Mr. Benjamin Smith, and the Recorder; they, or the major part of them.

Voted, That a letter drawn up by the Commitee is approved on, and ordered to be sent to the government of Plymouth, and shall be transcribed by the Recorder, and by him also signed.

Voted, Whereas there hath been to this Assembly presented

a petition from Henry Tibbitts, with the complaint that some officers that Thomas Gould, who was by the last Court of Tryalls sentenced, and by this Assembly enlarged ; he, the said Gould, hath not performed the Court of Tryalls' sentence, and thereby forfeited his enlargement, this Assembly do order that for the preservation of his Majesty's peace, warrant be forthwith issued from the Governor to any Constable or Constables he thinks fit, to apprehend the said Thomas Gould, and bring him before this Assembly, or before the Honored Governor or Deputy Governor, to answer to such charges alledged against him.

Voted, The Deputy Governor, Mr. Joseph Jencks, and Major John Greene, are chosen a Committee, they or the major part of them, to draw up our humble presentation unto his Majesty, therein to signify our loyall obedience to his Majesty's commands, in his letters bearing date the 8th of March, 1683—4, together with his Royall Proclamation against privateers and pirates, hath accordingly in this Collony been proclaimed and observed. And also some lines to the Honorable Sir Leoline Jenkins, one of his Majesty's Principal Secretaries of State.

Voted, The Committee having presented the letter to his Excellent Majesty, and a letter to Sir Leoline Jenkins one of his Majesty's Principal Secretaries of State, are both approved on by this Assembly.

Voted, In answer to the petition of the inhabitants of New Shoreham, bearing date June the 24th, 1684, wherein they crave that they may not be denyed those priviledges that other towns do or may enjoy, &c., this Assembly do declare that they will not abridge them of their liberties formerly granted them, as well as to other townes in this Collony, not questioning but they will make good improvement thereof.

Voted, In answer to the petition of Simon Medus, David Brown, and associates, being Jews, presented to this Assembly, bearing date June the 24th, 1684, we declare, that they may expect as good protection here, as any stranger, being not of our nation residing amongst us in this his Majesty's Collony, ought to have, being obedient to his Majesty's laws.

Voted, Major John Coggeshall, and Major John Greene, are appointed a Committee to inspect and make up all accounts with the late Treasurer, Major Peleg Sanford, and the present Treasurer, Weston Clarke, concerning all matters of accounts ; and in especiall concerning the bark Whitewood, and the boat wherein there were severall pirates or privateers seized with their guns, &c., and the Committee aforesaid, are hereby allowed two shillings, six pence per day, and their victuals and drink, to be defrayed out of the said goods for every day they attend upon the making up the said accounts, and make a true return of their proceedings to the next Generall Assembly ; and the said Committee to appoint the time and place of their first meeting, and so from time to time, until the matter be accomplished according to the time appointed to make their returne.

And further it is ordered, That upon the delivery by Major Peleg Sanford, of what is in his hands, above mentioned, to the Generall Treasurer, Weston Clarke, the Generall Treasurer's receipt shall be his discharge ; any former order in this Collony to the contrary hereof, notwithstanding.

Voted, In answer to Christopher Almy's petition to this Assembly, seriously considering the matter, do judge that the matter doth not concern them, but if the said petitioner do judge he hath been wronged by any officer or officers, he hath his liberty of proceeding against him or them in a legal way, by prosecution according to law.

Voted, Ordered, that the next Generall Assembly be held for this Collony, the last Wednesday in October, to be kept at Warwick, and that for the future it be held and kept at Providence and Warwick towns by turns annually, till further order.

Voted, Ordered, that in case the Major of the Island, or the Major of the main land, see cause to require their respective towns to meet in way of a generall muster, the towns of the Island on the Island, and the towns of the main land, in this Collony, there so meeting, shall excuse them from meet-

ing two training days next ensueing such generall muster, the election day only excepted.

Voted, This Assembly having taken into their consideration the Collony's debts, and finding that without some speedy course be taken to raise moneys, to supply the Generall Treasury, the government of this his Majesty's Collony cannot subsist, therefore this Assembly do declare to the severall towns, that of necessity a rate ought to be made the next Assembly, that so they might provide by their Deputies therefor; and for what else may appear.

Voted, Ordered by this Assembly, that all future rates that shall be made in this Collony, or towns, shall be gathered up by the Constables of each respective town and place, to whom it shall be directed by warrant; and he shall deliver in the Collony rates to the Generall Treasurer, and the town rates to the Town Treasurer, by the respective times appointed for delivery; and the Treasurers' receipts shall be his or their discharge. And he or they shall be allowed two shillings upon the pound in like pay as the rate is, for his services; and in case any person refuses to pay their rate upon demand, the Constable shall make distraint, taking aid, if need require, for the respective rate, and also for his fees more than the rate assessed for making distraint; which fees shall be one shilling, of like pay as aforesaid, of each person he distrains on, be their assessment more or less. And in case the Constable or Constables neglect or refuse to gather up and deliver in the respective rates to the Treasury, whereunto it belongs, he or they shall be lyable to pay the double of what his or their fees ought to be.

July 24th, 1684.

Voted, Whereas Thomas Gould, of Kingstown, is brought before the Governor and Councill, sitting in this Assembly, July the 2d, 1684, to answer for his not complying with the sentence of the late Court of Tryalls, in March last past, by satisfying the charges of the Constables and aid, as it appears

under the hands of John Andrew and Daniell Vernon, Constables, and John Low; as also by reason of a petition presented by Henry Tibbitts. And he being examined concerning the premises, did in the presenee of the Assembly, instead of giving a submissive answer thereunto, in contemptuous manner misbehave himself to the Court and members thereof, and departed without leave.

Therefore, this Assembly, taking the matter into their serious consideration, and forasmuch as he hath abused that favor granted him by this Assembly, do therefore order, that the late act made for his enlargement be repealed, and that he be left in the Generall Sergeant's custody, to perform the sentence of the Court; and that Edward Thurston and Samuell Cranston may have their bonds released, if they desire it. In open Assembly Mr. Samuell Cranston desired to be released of his bond.

Voted, The case betwixt John Williams and Shuball Painter, is referred to the next Generall Assembly, by reason that Shuball Painter is absent, being employed about the country's service.

Voted, Sergent Edmund Calverly's bill, amounting to the sum of eight pounds, two shillings, and eight pence, for service done for the Collony, is owned and allowed, and ordered to be paid by the Generall Treasurer.

Voted, Henry Lilly's bill, for service done for the Collony, since the Assembly in May, 1679, the partickulars having been perused, this Assembly do allow him the sum of twelve pounds, to be paid out of the Generall Treasury.

Voted, John Sanford's bill for service done for the Collony as Recorder, and Secretary, from May, 1682, amounting to five pounds, five shillings, in or as money, is allowed, and ordered to be paid by the Generall Treasurer.

Voted, That the Recorder, as Clerke of this Assembly, is allowed ten shillings, to be paid unto him out of the Generall Treasury. And shall have from each town in this Collony, the sum of ten shillings money, for copys of this Assembly's acts,

under the seal of the Collony; and that copys be with all expedition issued forth, and sent to each town.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Warwick, the 29th day of October, 1684.

The Deputy Governor, Mr. Walter Clarke, chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

Voted, Upon the petition of Phebe Cook, the wife of John Cook, late of the town of Warwick, for a divorce from her said husband. And it appearing to this Assembly, that for severall years past, the said John Cook hath absented himself from his said wife, and hath not as he ought, provided and allowed maintenance to his said wife and children; and also by three evidences produced in this Assembly, it appearing that the said John Cook is married to another, or at least liveth with another woman, owning her to be his wife, in the Island of New Providence: and also it being well known that the said John Cook lived a deboist life in this Collony, and denyed his said wife Phebe; and on certain information, understanding that in this country he twice endeavored to be married to others.

This Assembly on the serious consideration of the matter, and in answer to the justice of the petitioner's request, do see just cause, and hereby do grant and determine an absolute divorce, and clear separation unto the said Phebe Cook, from her said husband, John ook. And this Assembly order, that the evidences or true copys of them, be kept on record, and the petitioner to bear the charge.

And it is further ordered by this Assembly, That the goods or

chattels, and the profit of the lands of the said John Cook, that are in this Collony, shall be by said Phebe possessed and improved towards the maintenance of her children untill her children come of age, or untill further order.

Voted, For an addition to the Generall Sergeant's power of gathering former rates, and Constables' power for the gathering future rates, ordered, that the Sergeant and Constables have power to press two or three men to go with him or them to aid and assist them or either of them, in the seizure of those rates that are refused by any person or persons, to pay their partickular rates; and the Sergeant and Constable with the rates his levying or straining fees, and two shillings from each person for the men he or they press to go with him or them, to seize said rates.

Voted, A rate to be made for one hundred and sixty pounds, in money, or pay equivalent.

It is further ordered, That if any person in any the respective towns have ought due to him, from the Collony, and desire to be paid either out of his own rate, and the rate assessed in the town where he dwells, in case he makes it appear to a Magistrate in the town where he dwells, what is his just due by order or bill from the Generall Assembly, then the Constable, upon the Magistrate's approbation thereof, shall discount and offsett so much. Always provided, the Constable return a due account thereof to the Generall Treasurer, that he may keep account thereof; who shall have half sallary for his pains in keeping the accounts so returned.

Voted, In answer to Mr. John Williams his petition, concerning Shuball Painter, the Court taking the matter into serious consideration, do find that the proceedings in the Court of Tryalls in March and September, 1683, for want of due notice given to said Williams, was not so regular as it ought to have been; and therefore do leave them, if they cannot otherwise agree to a due course of law.

Voted, In answer to Abraham Man's petition, the Court allows him three pounds, in or as money, to be paid by the Trea-

surer, out of the next rate to be gathered, for the cure of his wound in the late Indian war.

Voted, John Bellou is also allowed three pounds, in or as money, to be paid by the Generall Treasurer, for his cure of his wound in the late Indian war.

Voted, Upon the presentation of Mr. Joseph Jencks and Major John Green, for allowance for their service, and moneys expended, being employed by the Assembly to go to Kings Town, to engage officers there. This Assembly do allow them the sum of fourteen shillings apiece, to be paid by the Generall Treasurer.

Voted, That the Recorder shall have five shillings, in or as money, from each town in this Collony, for the copies of this Assembly's acts that are binding on the inhabitants of the severall towns, to be with all expedition issued forth, under the seal of the Collony, and is allowed the sum of eight shillings, in or as money, to be paid by the Generall Treasurer, for his attendance on this Assembly.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 5th of May, 1685.

The Governor chosen Moderator.

The Recorder chosen Clerke.

Mr. William Coddington, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,
Mr. Caleb Carr,
Major John Coggeshall,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,

Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Major John Greene,
Mr. Thomas Greene.

DEPUTIES.

For Newport.

Mr. James Barker, Sen'r,
 Mr. Edward Thurston, Sen'r,
 Mr. Thomas Ward,
 Mr. John Rodman,
 Mr. Nathaniell Coddington,
 Capt'n Roger Goulding.

For Providence.

Mr. Stephen Arnold, Sen'r,
 Mr. Thomas Field,
 Mr. Valentine Whitman,
 Mr. Thomas Harris, Jun'r.

For Portsmouth.

Mr. Latham Clarke,
 Mr. Henry Brightman,
 Mr. John Coggeshall,
 Mr. Joseph Nicolson.

For Warwick.

Mr. James Greene, Sen'r,

Mr. Benjamin Smith,
 Mr. Benjamin Barton,
 Mr. John Warner.

For Westerly.

Mr. Jeffrey Champlin,
 Mr. Robert Burdick.

*For New Shoreham.**For Kings Towne.**For East Greenwich.*

Mr. Thomas Nicolls,
 Mr. Henry Mathewson.

For James Towne.

Mr. Ebenezer Slocum,
 Mr. Nicholas Carr.

The Governor chosen Moderator.

The Recorder chosen Clerke.

Voted, Richard Greene, Thos. Greene, Jun'r, Peleg Rhodes and Joseph Smith, freemen of the town of Warwick, are admitted freemen of this Collony.

Voted, Samuell Bennett, being a freeman of East Greenwich, is admitted a freeman of this Collony.

Voted, This Assembly is dissolved.

*At the Generall Assembly and Election held for the Collony at
 Newport, the 6th of May, 1685.*

The Assembly consisted of the Deputy Governor, Assistants and Deputies afore named.

The Deputy Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, The Recorder shall take the names of those that bring in their votes for Governor.

Voted, Mr. Thomas Ward, of Newport, and Mr. John Coggeshall, of Portsmouth, shall receive the votes from every man's hand that brings them in, and take care there be no deceit used, and as the Election proceeds, put the votes into the hat.

Voted, That Major John Coggeshall and Major John Greene, shall open the proxies, and as the Election proceeds, put the votes into the hat.

Voted, That for the conveniency of the Election, the Assembly sit in the lower room.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.

Mr. William Coddington.

DEPUTY GOVERNOR.

Mr. Walter Clarke.

ASSISTANTS.

Mr. John Easton,
Major John Coggeshall,
Mr. Caleb Carr,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,
Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Mr. Samuell Gorton,

Mr. Benjamin Barton.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Edmund Calverly.

GENERAL TREASURER.

Mr. John Woodman.

GENERAL ATTORNEY.

Mr. Weston Clarke.

MAJOR FOR THE ISLAND.

Capt'n Roger Goulding.

MAJOR FOR THE MAINE.

Major John Greene.

Voted, The Governor elected being absent, that the Recorder in the name of this Assembly, do signify the Assembly's desire unto him, which is as followeth :

To the Honored William Coddington, Esq'r, Governor elect for his Majesty's Collony of Rhode Island and Providence Plantations. These per gentlemen, members of the Assembly :

Honored Sir: By the Generall Assembly and Election held at Newport, the 6th day of May, 1685, you may please to understand that by the free and absolute vote of the freemen of this his Majesty's Collony of Rhode Island and Providence Plantations, you are elected and chosen to the honorable place of Governor; and your Honor being absent, this Assembly, with their hearty desire of your welfare and presence, have to that end desired and chosen the bearer to accompany you to this Assembly, who now wait thereupon with earnest expectation. And hoping we shall not fail of your presence amongst us, we have desired and sent Mr. John Easton, and Mr. Richard Arnold, Assistants, Mr. Edward Thurston, Sen'r, and John Rodman, to wait upon you, and remain,

Your affectionate friends and servants.

Signed by order of the Generall Assembly, aforesaid.

JOHN SANFORD, Recorder.

Voted, The elected Governor, William Coddington, appearing in Court, and positively denying to give the engagement to the office he was elected unto, therefore this Assembly agree and order to proceed to the election of another in his room and stead.

Mr. Henry Bull, chosen Governor, engaged; and also engaged to the acts for the encouraging of Trade and Navigation.

Voted, Whereas Mr. Weston Clarke, by the free vote chosen to the place and office of Generall Attorney, hath positively refused to engage, this Assembly agree and order to the election of another in his room and stead.

Mr. John Pococke chosen Generall Attorney, engaged.

Voted, Capt'n Arthur Fenner, Mr. Joseph Jencks, Assistants; Mr. John Coggeshall, Mr. Ebenezer Slocum, Deputys; the Gen'll

The Deputy Governor chosen Moderator.

The Recorder, John Sanford, chosen Clerke.

The Charter openly read.

Voted, The Recorder shall take the names of those that bring in their votes for Governor.

Voted, Mr. Thomas Ward, of Newport, and Mr. John Coggeshall, of Portsmouth, shall receive the votes from every man's hand that brings them in, and take care there be no deceit used, and as the Election proceeds, put the votes into the hat.

Voted, That Major John Coggeshall and Major John Greene, shall open the proxies, and as the Election proceeds, put the votes into the hat.

Voted, That for the conveniency of the Election, the Assembly sit in the lower room.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.

Mr. William Coddington.

DEPUTY GOVERNOR.

Mr. Walter Clarke.

ASSISTANTS.

Mr. John Easton,
Major John Coggeshall,
Mr. Caleb Carr,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,
Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Mr. Samuell Gorton,

Mr. Benjamin Barton.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Edmund Calverly.

GENERAL TREASURER.

Mr. John Woodman.

GENERAL ATTORNEY.

Mr. Weston Clarke.

MAJOR FOR THE ISLAND.

Capt'n Roger Goulding.

MAJOR FOR THE MAINE.

Major John Greene.

Voted, The Governor elected being absent, that the Recorder in the name of this Assembly, do signify the Assembly's desire unto him, which is as followeth :

To the Honored William Coddington, Esq'r, Governor elect for his Majesty's Collony of Rhode Island and Providence Plantations. These per gentlemen, members of the Assembly :

Honored Sir : By the Generall Assembly and Election held at Newport, the 6th day of May, 1685, you may please to understand that by the free and absolute vote of the freemen of this his Majesty's Collony of Rhode Island and Providence Plantations, you are elected and chosen to the honorable place of Governor ; and your Honor being absent, this Assembly, with their hearty desire of your welfare and presence, have to that end desired and chosen the bearer to accompany you to this Assembly, who now wait thereupon with earnest expectation. And hoping we shall not fail of your presence amongst us, we have desired and sent Mr. John Easton, and Mr. Richard Arnold, Assistants, Mr. Edward Thurston, Sen'r, and John Rodman, to wait upon you, and remain,

Your affectionate friends and servants.

Signed by order of the Generall Assembly, aforesaid.

JOHN SANFORD, Recorder.

Voted, The elected Governor, William Coddington, appearing in Court, and positively denying to give the engagement to the office he was elected unto, therefore this Assembly agree and order to proceed to the election of another in his room and stead.

Mr. Henry Bull, chosen Governor, engaged ; and also engaged to the acts for the encouraging of Trade and Navigation.

Voted, Whereas Mr. Weston Clarke, by the free vote chosen to the place and office of Generall Attorney, hath positively refused to engage, this Assembly agree and order to the election of another in his room and stead.

Mr. John Pococke chosen Generall Attorney, engaged.

Voted, Capt'n Arthur Fenner, Mr. Joseph Jencks, Assistants ; Mr. John Coggeshall, Mr. Ebenezer Slocum, Deputys ; the Gen'll

Sergeant, and also the Town Sergeant of Newport, with the Recorder, are by this Assembly appointed and ordered to go to our late Honored Governor, William Coddington, Esq'r, and from him receive the Charter and all other papers and things in his hands, belonging to this Collony ; and on behalf of this Assembly to give our said late Honored Governor a full discharge for what they receive, and they are to return the premises unto this Assembly.

Voted, The Committee appointed to go to our late Honored Governor, William Coddington, for the Charter and such other parchments and papers, &c., belonging to this Collony, which they having received, have returned the same to this Assembly, and are discharged thereof; and they are committed to the keeping of the present Governor.

And ordered, That a copy of their receipt be kept on record in this Assembly's acts.

Voted, Major John Coggeshall, Mr. Richard Arnold, Mr. John Rodman, and the Recorder, are chosen a Committee to draw up our humble address unto his Majesty, our Sovereign Lord, James the Second, King of England, Scotland, France, and Ireland, &c., and present what they draw up to this Assembly for their approbation.

Letter to King James 2d.

To the King's Most Excellent Majesty, James the Second.

We, your Majesty's loyall subjects, the Governor and Generall Assembly of your Collony of Rhode Island and Providence Plantations, in New England, in America, do think it our duty to signify our hearty obedience and joy of your peaceable succession to the Crown of England; and to assure your Majesty that in your enjoyment of the Crown of your ancestors, and the government of this Collony, we are your faithful and obedient subjects; and do in all humble manner beg and implore your Majesty's favor to be continued as in the time of our late Sovereign Charles the Second, of blessed memory, with your

princely protection. And we do humbly beseech your Majesty to accept hereof, and of our hearty prayers to Almighty God for your Majesty's long life and prosperous reign.

By order of the Generall Assembly and Election, held at Newport, the 6th day of May, 1685, in the first year of the reign of his Majesty, King James the Second.

JOHN SANFORD, Recorder.

Voted, The Assembly do order the Recorder to write to Mr. Samuel Gorton, and Mr. Benjamin Barton, of Warwick, chosen Assistants, to appear before the Governor or Deputy Governor, to give their engagment to the office elected unto, or send their respective answer.

Voted, This Assembly is adjourned untill Tuesday, the last day of June next ensuing, and then to Assemble again at the house of John Davis, in Newport; only if there be real occasion, then by warrant from the Governor, or by his leave, the Deputy Governor, the Assembly to convene sooner.

June 30th, 1685.

According to the aforesaid adjournment, the Assembly met and sat.

Voted, Whereas this Assembly, in order to the filling up of the Election, of Generall Officers, in especial Assistants in the town of Warwick, adjourned, and now having received some lines from Mr. Samuel Gorton, refusing the place of Assistant, that by the Election he was chosen, and being informed by the Deputy Governor, that Mr. Benjamin Barton, chosen Assistant, doth also refuse; therefore the Assembly do agree and order the election of two Assistants in the room and stead of those refusing.

Major John Greene, chosen Assistant, engaged.

Mr. John Potter, chosen Assistant, engaged.

Voted, That the Recorder, on the behalf of this Assembly, with all speed do write to Major John Greene, and Mr. John Potter, chosen Assistants, desiring and requiring them to appear before

the Governor, or in his absence, the Deputy Governor, to give their en-gagement to the office they are elected unto.

Voted, This Assembly is adjourned untill Tuesday, the 28th day of the next month, July, and then to assemble again at the house of John Davis, in Newport; only, if in the mean time there do appear occasion, then by warrant from the Governor, or in his absence, or by his leave, the Deputy Governor, the Assembly to convene sooner.

July 28th.

According to the aforesaid adjournment, the Assembly met and sat.

Voted, The petitions presented to this Assembly are referred to the Assembly in October, next, at Providence.

Voted, The Recorder shall have from each town in this Colony, the sum of five shillings, in or as money, for copys of these Assemblys' acts, under the seal of the Collony.

Voted, This Assembly is dissolved.

Protest of E. Hutchinson and others touching the King's Province, March 22, 1685.

To all persons and people, to whom these presents shall come. Be it known and manifest, that whereas the Chief Sachems and people, being the true and natural proprietors of all the land lying within the Narragansett, Niantick and Cohasset countries, have long since by good and legal deeds and grants, by and with the consent and approbation of the Commissioners of the United Collonies, sold, conveyed, and by livery and seizin actually possessed, John Winthrop, Esq'r, and Major Humphrey Atherton, deceased, their friends and partners of, and in all or greater part of the lands lying in the said country; all which, King Charles the Second, of blessed memory, was graciously pleased to approve, and recommend the laudable endeavors of his said subjects (as he was pleased to call them), to people and plant the said countries and lands to the protection and encouragment of the several Collonies of New England, declaring the molestations and disturbances given them from Rhode Island a scandal to justice and government, as by his gracious letters to the said Collonies, dated June 21, 1668, may more fully appear.

And whereas, the General Assembly for Rhode Island and Providence Plantation being justly apprehensive that the titles derived as aforesaid, were good and legal, have by their public aet, dated 30th of October, 1672, enacted and declared, that the purchasers and proprietors, with said Major Atherton, have a good and lawful estate in said lands, according to the purport of their deed or deeds, grant or grants, to have, hold, possess and enjoy the same for ever.

And whereas, his said late Majesty, by his Royal letters, bearing date February 12, 1678-9, directed as well to the government of Rhode Island, as to the other Colonys, commanded that all things relating to the government and possession of the Narragansett country or King's Province, should be left and remain in the same condition they then or lately were till his Royal pleasure were further known.

And whereas, his said Majesty was graciously pleased, for the quieting and determining all disputes relating thereto, to send his Royal Commission, bearing date the 7th of April, in the thirty-fifth year of his reign, to Edward Cranfield and Wm. Stoughton, Esq's, and others, to examine and inquire into the respective claims and titles as well of his Majesty as of all persons and corporations whatsoever, to the immediate jurisdiction, government and propriety of soyl in the said country, and to make report thereon to his Majesty, all persons and corporations (save only those of Rhode Island and Providence Plantation), having given due honor and obedience, as well to all his late Majesty's former commands as the said Commission, and exhibited their several pretensions and claims, upon all which his Majesty's Commissioners made their Report, and according to information, his said late Majesty referred the examination of the same to his Council, learned in the law, by whom the titles derived by and from the said Mr. Winthrop and Major Atherton, were allowed as good and legal. Notwithstanding, whilst the aforesaid Report lay spread before our present gracious King, and all the proprietors in obedience to former commands, refrained further settlement, waiting for his Majesty's gracious determination and direction therein, which is hourly expected, some turbulent and ill disposed persons persisting in their ill designs and practices, have, by undue and false suggestions, and a perverse and dangerous interpretation of his Majesty's gracious letter to the Governor of Rhode Island, dated (as they say) 26th June, last past, imposed upon and prevailed with the General Assembly of that Collony, who were either ignorant or waved the consideration of all that is premised, to pass an act, dated in October last, dated at Providence, very prejudicial to the rights derived as aforesaid, from which many deluded and other evil minded persons have taken encouragement, and are preparing illegally, unjustly and in open contempt of his Majesty's aforesaid command, to invade and possess the proprieties derived, and approved as aforesaid.

Therefore, to prevent the many publick inconveniencies that may ensue, and the great dammage that persons ignorant of the aforesaid titles might by ill example, perverse counsels, and the shadows of authority be drawn into, we, whose names are subscribed, being ordained and appointed by the proprietors concerned with and deriving from the said Mr. Winthrop, and Major Atherton, and fully empowered to order and manage their affairs and concerns in the Narragansett, Niantick and Coheset countries, do in the behalf of them and ourselves, make and publish this our Protest against all and every person or persons of what quality, degree or condition soever; that doth, shall or may illegally, upon any challenge or pretence whatsoever, without license from ourselves or Mr. Richard Smith and Mr. Francis Brinley (being upon the place), enter into or upon, or any way possess, use, occupy or improve, or commit any waste, spoyl or trespass in or upon any of the said lands and premises granted as aforesaid, and against all and every person and persons that under color of law or countenance of authority, or by any means directly or indirectly do or shall illegally maintain and abett, assist or advise such as do or may trespass or aggress in any such their evil designs and practices; declaring, that we shall and will endeavor by all lawful means and warrantable ways, to

prosecute and pursue all such trespassers and aggressors till we obtain full reparation and satisfaction.

Dated in Boston, in New England, March 22, 1685, and in the second year of his Majesty's reign.*

ELISHA HUTHINSON,
JOHN SAFFIN,
RICHARD WHARTON.

Charles the Second's Commission to Edward Cranfield and others, to examine into the claims and titles to the Narragansett country.†

CHARLES R.

Charles the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to our trusty and well beloved Edward Cranfield, Esq., our Lieutenant Governor and Commander-in-Chief of New Hampshire, and to William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimton, John Fitz Winthrop, Edward Palmer, John Pynchon, Jun'r, and Nathaniell Saltonstall, Jun'r, Esq'rs, greeting. Whereas, for the quieting of all disputes that hath arisen concerning the right of propriety to the jurisdiction and soil of a certain tract of land within our dominion of New England, called the King's Province or Narragansett country, we have thought fit to cause strict inquiry to be made into the several titles and pretensions which are claimed or challenged thereunto. Know ye, therefore, that we, reposing especial trust and confidence in the prudent fidelity and circumspection of you, the said Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimton, John Fitz Winthrop, Edward Palmer, John Pynchon, Jun'r, and Nathaniel Saltonstall, have assigned, ordained, constituted, and appointed, and do by these presents, assign, ordain, constitute, and appoint you the said Edward Cranfield, William Stoughton, Joseph Dudley, Edward Randolph, Samuel Shrimton, John Fitz Winthrop, Edward Palmer, John Pynchon, Jun'r, and Nathaniel Saltonstall, to be our Commissioners for examining and inquiring into the respective claims and titles, as well of ourselves as of all persons or corporations whatsoever, to the immediate jurisdiction, government, or propriety of the soil, of or within our Province, commonly called the King's Province or Narragansett country, hereby authorizing and empowering you, or empowering you, or any three of you (whereof Edward Cranfield or Edward Randolph aforesaid, shall be the quorum), to examine and inquire into the several titles above mentioned, and summons and call before you any persons, and to search records as you shall find requisite for your information in this behalf; as also to take examination upon oath (which the Governor and Magistrates, under whose respective jurisdiction you shall meet, are hereby required and directed to administer unto such person or persons whom you shall so think fit to call before you), for the clearing of truth in the cases above mentioned. And your proceedings herein, with your opinions on the matters that shall be examined by you, you are to state and report unto us with all convenient speed, to the end we may, upon a final determination

* J. Carter Brown's Manuscripts, No. 202, Vol. IV.

† Omitted in its place, preceding the Summons of the King's Commissioner's, p. 130.

in our Privy Council, cause impartial justice to be done and executed where it shall appear to belong. And so we bid you farewell.

From our Court at Whitehall, the 18th day of April, in the five-and-thirtieth year of our reign [1688].*

By his Majesty's command.

SUNDERLAND.

Randolph's Petition to the King, with articles against Rhode Island, asking Writs of Quo Warranto.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

May it please your Lordships: In pursuance of your Lordships' order of the 5th of May last, directing me to prepare papers containing all such particulars then complained of, upon which Writs of Quo Warranto might be granted against the Collonys of Connecticut and Rhode Island, in New England, I have accordingly drawn up several articles of high misdemeanors (herewith annexed), the proofs whereof I am ready to make out against those Collonys.

And to the intent no time may be lost in prosecuting those articles to effect which will otherwise much hinder the settlement of New England, it is humbly prayed that writs of Quo Warranto may be forthwith issued out against the Governors and Companys of those Collonys, that their Charters being vacated, they also may thereby be united under his Majesty's laws and government.

All which is humbly submitted, by

(Signed.)

E. RANDOLPH.

Articles of Misdemeanor against Rhode Island.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

Articles of high misdemeanors exhibited against the Governor and Company of the Collony of Rhode Island and Providence Plantations, by Edward Randolph.

1. They raise great sums of money upon the inhabitants of that Collony, and others by fines, taxes and arbitrary imprisonment, contrary to law, and deny appeals to his Majesty.

2. They make and execute laws contrary to the laws of England.

3. They deny his Majesty's subjects the benefit of the laws of England, and will not suffer them to be pleaded in their Courts.

4. They keep no authentick Records of their laws, neither will they suffer the inhabitants to have copys of them.

5. They raise and cancel their laws as they please, without the consent of the General Assembly.

6. Their Governor, Deputy Governor, Assistants, Deputys and other officers

* Mass. Hist. Collections, p. 232, Vol V.

for the administration of justice, as well as juries and witnesses, are under no legal oaths.

7. They violate the acts of Trade, and have taken from Francis Brinley, Esq'r, his late Majesty's Commission, appointing the said Brinley and others to administer an oath to the Governor of that Collony, for his duly putting in execution the act of Trade and Navigation, made in the twelfth year of his late Majesty's reign; the Governor of that Collony not having taken the said oath these three or four years last past, as is required in the said act.

All which is humbly submitted, &c.*

Order in Council and Report for Quo Warranto. †

At the Court, at Whitehall, the 17th July, 1685.

By the King's Most Excellent Majesty, and the Lords of his Majesty's most honorable Privy Council.

A Report from the Right Honorable the Lords of the Committee for Trade and Foreign Plantations, being this day read at the Board, in the words following:

May it please your Majesty: We have received from Edward Randolph, Esq'r, Surveyor of your Majesty's Customs in New England, several articles of high misdemeanors, exhibited by him against the Governor and Company of the Collony of Connecticut and against the Governor and Company of Rhode Island and Providence Plantation in New England; upon consideration whereof we are humbly of opinion that your Majesty be pleased to refer the said articles to your Attorney Generall, with order forthwith to bring Writs of Quo Warranto against those Corporations.

We have also received a letter from the Mayor, Aldermen and principal officers of the city of New York, dated the 13th of May last, setting forth that since your Majesty hath been pleased to permit Delaware and the two Jerseys to be separated from the government of New York, that city hath extremely suffered by the loss of at least one-third part of its trade; and hath ever since much decayed in the number of inhabitants, rents and buildings. And that your Majesty's revenue doth likewise suffer thereby; whereupon we likewise offer our opinions that your Majesty's Attorney General may have directions to consider the several grants and proprieties of East and West New Jersey, and of Delaware, aforementioned, and to enter the like writs of Quo Warranto against the respective proprietors, if he shall find cause, it being of very great and growing prejudice to your Majesty's affairs in the Plantation, and to your customs here, that such independent governments be kept up and maintained, without a nearer and more immediate dependance on your Majesty. All which is most humbly submitted.

ROCHESTER,
CLARENDON, C. P. S.,
HALIFAX,
ORMOND,
BEAUFORT.

* J. Carter Brown's Manuscripts, No. 196, Vol. IV.

† See New York Documents, p. 362, Vol. III.

Council Chamber, 15th July, 1685.

His Majesty being graciously pleased to approve of the same, is pleased to order and direct that the said Articles be, and they are hereby referred to Sir Rt. Sawyer, Knt., his Majesty's Attorney General, who is forthwith to bring writs of Quo Warranto against the Governor and Company of the Collony of Connecticut, and against the Governor and Company of Rhode Island and Providence Plantation, in New England.

And it is further ordered, that Mr. Attorney General do forthwith consider of the several grants and proprietors of East and West New Jersey, and of Delaware; and enter the like writs of Quo Warranto against the respective proprietors thereof, if he shall find cause.

WILLIAM BRIDGEMAN.

Mem.: My Lord President is desired by the Right Honorable the Lords of the Committee for Trade and Plantations, to move his Majesty that the directions to Mr. Attorney General, that the prosecution of several writs of Quo Warranto against the propriety of the Province of Maryland, and against the Collonies of Connecticut and Rhode Island, and the proprietors of East and West New Jersey, and of Delaware, in America, may be renewed, and that the same may be prosecuted to effect.*

Council Chamber, 21st April, 1686.

Mr. Randolph's Proposals about Quo Warranto.

August 3, 1685.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

May it please your Lordships: Pursuant to his Majesty's order in Council, of the 17th of July last, to Mr. Attorney General, I have received three writs of Quo Warranto, issued out against the several proprietors of East and West New Jerseys and Delaware; and also two other writs of Quo Warranto, with summons from the Sheriffs of London, ordered to be brought against the Collonys of Connecticut and Rhode Island, in New England, which are returnable the next term.

Now to the intent the time limited for serving the writs upon the Governors and Companys of those Collonys may not be lapsed by delays and the difficulties of a winter voyage, and his Majesty's prosecutions thereby rendered ineffectual, as it was in serving the writ of Quo Warranto against the Boston Charter:

It is humbly proposed, that in three weeks time, at farthest, a ship is bound from London, directly to New England, by which (if your Lordships think fit), the Quo Warrantos may be sent and served accordingly, to the end there may be no delays made in that affair.

All which is humbly submitted.

* New York Documents, p. 362, Vol. III.

Mr. Randolph's Proposals about Quo Warranto.

August 18, 1685.

To the Right Honorable the Lords of the Committee for Trade and Foreign Plantations.

May it please your Lordships: More than nine months are passed since judgment was entered up for his late Majesty against the Charter of Boston, whereby the government of that Collony is invested in by his Majesty yet to this day. Some disaffected persons, under color of their vacated Charter, pretend to exercise a government there and countenance the breach of the Acts of Trade, by permitting their ships laden with Plantation commodities to go from thence directly to Holland, Scotland, &c., without first entering in England, as the law directs; greatly impairing thereby his Majesty's revenue, now increased by Act of Parliament.

Now forasmuch, as there is no settled government in that Collony, and the loyal party there (being the far greater number) have upon all occasions shown their readiness to submit to his Majesty's laws and commands, and are in daily expectation to be freed from the oppressions they have long groaned under, but being kept out of the government, are in no capacity to relieve themselves, or put a stop to the irregular trade, and other growing mischiefs complained of. It is therefore humbly proposed that his Majesty would graciously please forthwith to order a temporary government, by his commission to the best disposed persons upon the place untill such time as his Majesty's Governor Generall shall be dispatched from hence to take upon him the government of all the Collonys in New England.

I likewise humbly represent, that I have solicited the five Quo Warrantos mentioned in his Majesty's order of Council of the 15th of July last, and served three writs upon the several proprietors of East and West New Jersey and Delaware. I am now attending to receive your Lordships' further commands about the two Quo Warrantos against the Collonys of Connecticut and Rhode Island, which are returnable the next term, now to the intent his Majesty's prosecutions against those Collonys be not by the difficulty of a winter's voyage rendered ineffectual. It is necessary (as I humbly conceive) that some person be dispatched thither with orders to that purpose, upon the first ship which sails from hence to Boston; and if his Majesty please, to commit that service to my charge, with the conveyance of a Commission to erect a temporary government there, I question not but to give his Majesty a good account of that affair; and also the two Collonys against which Quo Warrantos are issued, and so by that means bring the several Collonys in New England to a united and nearer dependance upon the Crown.*

All which is humbly submitted by, &c.

E. RANDOLPH

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Providence, 28th of October, 1685.

The Deputy Governor Moderator.

Major John Greene chosen Clerke of the Assembly.

The Court adjourned to eight of the clock in the morning.

October 29th.

Dies Jovis.

In answer to the petition of the town of Westerly, concerning settling the easterly bounds of said town's jurisdiction, this Assembly taking the matter into serious consideration, do enact and order, that the easterly bounds of said town as to jurisdiction, shall extend to Pettacomscutt westerly line, and so to run as Pettacomscutt line runs northward, until it come to Pauquattuck River, so as to cause all the inhabitants that dwell therein to be liable to all manner of duties to that town as a town; and this to continue untill the Generall Assembly see cause to order otherwise.

In answer to the petitions of Samuell Bennett, James Sweet, and Mark Roberts, concerning each of them desiring to have a lot and farm in East Greenwich, the Court see cause to grant their request, in order as they are named, if there be such lots and farms to be disposed of, and refer the disposition thereof, to the town of [East] Greenwich, to accommodate all three if possible.

Ordered, That a Committee be chosen to consider of and bring in a result concerning the petition for settling a Plantation in the Narragansett and Niantick countries, subscribed by William Hopkins, John Warner, James Greene, Jun'r, and Henry Lilly, &c.

The Committee chosen are Mr. Joseph Jencks, Major John Greene, Mr. James Barker, Mr. Nathaniell Waterman, Mr. Thomas Cornell, Mr. Benjamin Smith, Mr. Caleb Carr, Mr.

John Heath, Lieut. Joseph Devett, they or the major part of them, to bring in their result to-morrow morning, at the Court's sitting.

The Court adjourned untill to-morrow, eight of the clock in the morning.

October 30th.

Dies Veneris.

The Committee aforesaid, having brought in their result, is as follows, viz :

We, the Committee, having been chosen to consider of and bring in our result to the Generall Assembly concerning the petition for settling a Plantation in the Narragansett and Niantick countries, for about one hundred and fifty families, &c., upon a serious consideration by the best information we can procure, we do declare, that we do conceive there is a sufficient accommodation for such a Plantation as the petitioners have petitioned for.

Furthermore, we humbly take notice, of his Majesty's most gracious Royall letters, bearing date from Whitehal, June 26, 1685, wherein he is pleased most graciously to signify to our Honored Governor, of this his Majesty's Collony, that he should signify to the inhabitants his now Majesty's Royall care and protection to them in the preservation of their rights; and in the defence and security of their persons and estates, &c., which we judge a protection sufficient for this Honored Assembly to grant the petitioners' request.

Furthermore, We do conceive that there ought to be a competent number of the petitioners, at least fifty to be in readiness to begin the said Plantation; and for that end, and purpose, that their names be given in to the respective Magistrates and Conservators, to each town and place, betwixt this and the next Court, there to be returned and confirmed. Always provided, that the said petitioners shall settle at their own cost, and charge. For the speedy and more effectual settlement thereof, that this Generall Assembly be pleased to transfer their whole power, to the Governor and Councill, to hold Court or Courts in the Narragansett or Niantick countries, with all convenient

speed, for the settling of the said Plantation ; and to do any act or thing for the settling of Kings Town ; and if they see cause, to divide them into more than one town. And to do any other act or thing necessary for the peace and welfare of his Majesty's subjects, as if the Generall Assembly were there present to act the same. Always provided, there shall always be at least seven of the Councill, the Honored Governor, or Deputy Governor, being one of the seven. And this their power to continue till further order.

JOSEPH JENCKS, Assistant,
JOHN GREENE, "
JAMES BARKER,
THOMAS CORNELL,
NATHANIELL WATERMAN,
JOSEPH DEVETT,
CALEB CARR,
JOHN HEATH.

The Assembly, upon serious consideration of the matter presented by the Committee aforesaid, and for the quiet and peaceable settlement of his Majesty's subjects, the petitioners, and speedy regulating of the defects of Kings Town, do enact and order, and it is hereby ordered, that this Generall Assembly do and have transferred and given their whole power to the Honored Governor and Councill of this his Majesty's Collony, to hold Court or Courts in the Narragansett or Niantick countries, with all convenient speed, for the settling of the said Plantation, and to do any act or thing for the settling of Kings Town ; and if they see cause, to divide them into more than one town. And to do any act or thing necessary for the peace and welfare of his Majesty's subjects, as if the Generall Assembly were there present to act the same. Always provided, there shall be at least seven of the Councill present at such Courts ; the Honored Governor [or] Deputy Governor being one of the seven ; and this their power to continue till further order.

Whereas severall complaints have been made to the Generall

Assembly of this Collony by severall women concerning their husbands deserting them, and so absenting themselves, not only to neglect providing for them, but also they cannot be heard from, which matter if not timely prevented, may give occasions for persons to break forth to the committing of folly, who otherwise might live honestly amongst their neighbors: for the preventing of such miscarriages, be it enacted by this Assembly and the authority thereof, and it is hereby ordered, that if either husband or wife have or shall so desert their husband or wife, that they cannot be heard of in five years' time after their departure of such husband or wife, the said husband or wife shall be free from their said husband or wife. Only it is provided, that forasmuch as a negative cannot otherwise be made to appear, therefore the person, be it husband or wife that expects relief, shall positively give their engagement, together with other circumstances agreeing before a Court, that they have not heard from their said husband or wife so absenting themselves five years' time as aforesaid, whereupon the absent party shall be deemed as dead, and therefore the grieved party be released; any thing to the contrary in any wise, notwithstanding.

Ordered, That the Clerke of the Assembly transcribe the acts thereof, and send them to each respective town of this Collony; and the Recorder shall fix the seal of the Collony to each copy, that they may be sent forth with all convenient expedition. And the Clerke of this Assembly shall have seven shillings and six pence in money of each town. And the Recorder shall have two shillings and sixpence of each town, for entering the acts in the Book of Records, and setting the seal to each copy.

Voted, That the Assembly is dissolved.

Compared by the Court. JOHN GREENE, Clerke.

According to the aforesaid act of the Assembly, the seal of the Collony affixed to nine copies.

Per JOHN SANFORD, Recorder.

Petition of John Foanes and others, relative to Lands.

To the Honorable the Governor, Deputy Governor, Assistants and Deputies for this his Majesty's Collony of Rhode Island and Providence Plantations, in their Generall Assembly at Providence, the 28th of October, 1685.

The humble Petition (or Address) of the Freemen and free born Inhabitants of said Collony is, and sheweth :

That whereas, his Majestie, King Charles the Second, of blessed memory, over England, &c., out of his wonderful clemency, grace and favor by his Royal Charter under the great seal of England, bearing date at Westminster, the 8th day of July, in the fifteenth year of his reign, did invest your Honors with all priviledges as Collony, in a tract of land which comprehendeth the Narragansett and Niantick country and with all priviledges, both of soyl and government, as by said gracious Charter largely appears, reserving nothing to himself, in lieu of all duty and services, but the fifth part of gold and silver ore, which from time to time shall there be found. And all this he confirms from him, his heirs and successors, to you, your heirs and successors for ever, (to be held, &c). The which said priviledges so contained in said Charter, with his Majestie's favor, from time to time thereon, hath been, and still is a brazen wall encompassing us, so that through the blessing of God thereon, we remain a people as monuments of his favor, to this day ; notwithstanding the envy of others, which would from time to time have devoured us. And we being fully persuaded that the High and Mighty Prince James, our Dread Sovereign Liege Lord and natural King, will from time to time extend his like favor towards us, with as much compassion and tenderness as ever his Royal brother King Charles the Second, of blessed memory, hitherto has done, whose splendant rays of favor as from his Royal predecessors, will expel all the foggs and mists the enmity of malignant and disaffected persons for their private ends may seem to bait us with ; so that in all respects which shall be seen and appear to his Majestie, both real and loyal, as indeed we are. And that for conscience sake, and heing unanimously in this affair with sure and certain hopes of his Majestie's favor, shall endeavor with heart and mind to our utmost in all respects to walk worthy of the gracious grant contained in said Charter, and with all submission do earnestly desire that this his Collony may be peopled by us his Majestie's natural, loyal, loving and well-affected subjects, which we ingeniously do hope will be to the honor of God and our Prince's praise and renown ; all which are unseparable.

And whereas, there is a convenient and suitable accommodation for at least one hundred and fifty families without the lines of Pettaquamscutt, Greenwich, Warwick and Westerly, in the Narragansett and Niantick country, of lands, commodious for present settlement, and undisposed of by your Honours ; we humbly desire we may be favored therewith, which will be and remain on us a great and continuall obligation, and preserve us from inconveniency and difficulty of purchasing land and settling other Collonys as hitherto we have been forced to do. And not only so, but be a means to keep out those vagrant, straggling, disloyal and disaffected persons that have attempted there to reside, to the dishonor of God and our Sovereign the King, and a disgrace to the members of this Collony in general. All which in submission, is humbly conceived.

Your petitioners, alias addressers, do therefore humbly pray your honors would be pleased to take the premises into your serious, candid and speedy consideration, in order to the answering our humble request ; and to order a Committee to inspect into said lands, and that loyal and well-affected persons may be appointed in every town of this Collony to take cognizance, who are desirous and fit for present settlement, and to present their names to your Honors for your approbation, in order for their admittance on such terms and in such a manner as your Honors shall best approve of ; or else some other prudent method or way, as your Honors in your wisdom shall see meet.

We humbly craving your Honors' favor herein, in answering this our humble request, which will oblige your petitioners, alias addressers, beyond expression, your Honor and the Collony to serve. And as in duty bound, pray for the prosperity of both, so long as we remain.

Subscribed in behalf of ourselves and the rest of the freemen and free born inhabitants of his Majestie's English Collony of Rhode Island and Providence Plantations.

WM. HOPKINS,
JOHN WARNER,
JAMES GREENE, Jun'r,
HENRY LILLY.

The petition granted, and the Committee chosen and appointed, was done and effected at the sitting of that Assembly, as we have information.

(Signed.)

JOHN FONES.

[October 28, 1685.]

[Several claimants sprung up at this time for the lands in the Narragansett country, who memorialized the King in relation to the same. One petition was from Thomas, Lord Culpepper, Richard Wharton, Thomas Dean and William Wharton, for themselves and others. They assert their "claim to be by purchase from the Indyans, and by other legal means." The other from James, Earl of Arran, son and heir of William, Duke of Hamilton, who based his claim upon a grant from James the First to his grandfather. The latter claimed from the mouth of the Connecticut river sixty miles, "and so up the westward arm of the river, unto the land north westward, till sixty miles be finished ; and so to cross south-west-ward till sixty miles ; all which part and portion of lands were to be called by the name of the country of New Cambridge, now the Narragansett country and King's Province, with severall other lands and privileges," &c. These petitions were, by his Majesty in Council, referred to the Lords Commissioners for Trade and Plantations.

There appears to have been no final action upon Lord Culpepper's petition until April 10, 1688, when the Lords Commissioners reported to the King on the same. By this, it appears Lord Culpepper and his associates petitioned a second time in January, 1688, and that Sir Edmund Andros had made some report "touching the olaims of the petitioners." The Commissioners now recommend to his Majesty to signify to Sir Edmund Andros to the effect "that the said partners [Lord Culpepper, Richard Wharton, Thomas Brinley and others] have an equitable pretension to our favor preferable to others, in receiving grants of the said country or part thereof ; and we do hereby direct and require you to cause to be made out to the said partners, Patents and Grants of said parts of the said Narragansett country or King's Province, as others of our subjects are not possessed of ; and that all due encouragement be given them and others employed by them, in settling and im-

proving the same under the quit rent of two shillings and sixpence, payable unto us for every hundred acres of land so to be taken, pursuant to our instructions. Provided the said grants or any part of them, be not prejudicial to our service, or the right of any of our subjects, whose titles and pretensions to the said tract of land or any part thereof, we do hereby refer unto your further examination, willing and requiring you to return unto us your opinion in all matters wherein any difference or dispute shall arise, relating to the said Narragansett country, or concerning the further improvement thereof, which you shall not be able to determine the place, together with such a map or survey of the said country, that we may give further order touching the same," etc., etc.]—*J. Carter Brown's Ms., Vol. IV. Nos. 190, 191, 192, 193. Ibid. Vol II. No. 13.*

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 4th of May, 1686.

Mr. Henry Bull, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Mr. John Easton,
Maj. John Coggeshall,
Mr. Caleb Carr,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,

Mr. Richard Arnold,
Major John Albro,
Mr. George Lawton,
Major John Greene,
Mr. John Potter.

DEPUTIES.

For Newport.

Mr. James Barker, Sen'r,
Mr. Thomas Ward,
Mr. Benedict Arnold,
Mr. Edward Thurston,
Mr. John Woodman.
Mr. Nathaniell Coddington.

For Providence.

Mr. Vallentine Whitman,

Mr. John Whipple,
Mr. Epenetus Olney.
Mr. John Angell.

For Portsmouth.

Mr. William Wodell,
Mr. John Coggeshall.
Mr. Peleg Tripp,
Mr. Robert Hodgson.

DEPUTIES.

For Warwick.

Mr. Randall Howldon,
Mr. James Greene, Sen'r,
Capt'n Benjamin Gorton,
Mr. Samuell Stafford.

For Westerly.

Mr. Jeffrey Champlin,

Mr. John Maxon.

For East Greenwich.

John Sanford,
Mr. Thomas Nicolls.

For James Towne.

Mr. Josiah Arnold,
Mr. Joseph Morie.

Voted, Richard Evans, a freeman of the town of Newport, on his request, is admitted a freeman of this Collony.

Voted, Daniell Fish, Thomas Townsend, William Wodell, Jun'r, Thomas Potter, Stephen Cornell, Nathaniell Potter, Jun'r, and Robert Fish, being freemen of the town of Portsmouth, are admitted freemen of this Collony.

Voted, This Assembly is dissolved.

At the Generall Assembly and Election held at Newport, the 5th of May, 1686.

The Assembly consisted of the above written Governor, Deputy Governor, Assistants and Deputys.

Mr. Walter Clarke, Deputy Governor, chosen Moderator.

John Sanford, Recorder, chosen Clerke.

The Charter openly read.

Voted, That the same persons at the Assembly of Election in May last, and the same method, care and order that was by the said Assembly taken concerning the Election, be now again by them duly observed, and that the Election forthwith proceed.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.

Mr. Walter Clarke.

DEPUTY GOVERNOR.

Major John Coggeshall.

ASSISTANTS.

Mr. John Easton,
Mr. Walter Newberry,
Mr. Edward Thurston,
Capt'n Arthur Fenner,
Mr. Joseph Jencks,
Mr. Richard Arnold,
John Coggeshall,
Mr. George Lawton,
Major John Greene.
Mr. Samuel Stafford.

RECORDER.

John Sanford.

GENERAL SERGEANT.

Mr. Edmund Calverly.

GENERAL TREASURER.

Mr. John Woodman.

GENERAL ATTORNEY.

Mr. John Williams.

MAJOR FOR THE ISLAND.

Major Roger Goulding.

MAJOR FOR THE MAINE.

Major John Greene.

Mr. Edward Thurston and Mr. Joseph Jencks, Assistants, Mr. James Barker, Mr. Robert Hodgson and the Recorder are chosen a Committee to go to our late Honored Gov'r, Henry Bull, Esq'r, and of him demand the Charter, and all other papers, books and parchments in his custody to this Collony belonging, and they are empowered on this Assembly's behalf to give our said late Governor a full discharge for what they receive, and they are to return the same to this Assembly.

Voted, The Deputy Governor, Mr. John Coggeshall, Major Peleg Sanford, and Mr. Thomas Ward, are chosen and appointed, they, or the major part of them, a Committee to audit the late Generall Treasurer, Mr. Weston Clarke's accounts concerning this Collony, and of him receive the books, accounts and effects to this Collony belonging, and on the behalf of this Collony, give the said late Treasurer a full discharge for what is received, and return the same to the now late Treasurer, Mr. John Woodman, and render an account of their proceeds herein unto the next sitting of this Assembly; and they are to hold their first meeting on the 10th of this instant month, May, and as they see cause, adjourn untill the matter be finished within the time aforesaid. And are to be allowed out of the Generall Treasury each person the sum of two shillings, six pence a day, for their travell and trouble therein.

Voted, This Assembly having desired the late Deputy Gov'r, now our Honored Governor, that according to former order and practice of this Collony, the duplicate of his Majesty's gracious Charter be brought to this Assembly and delivered to our present Deputy Governor, to which our Honored Governor consented; and the duplicate sent for, and safely in folio and seal, under the yellow wax, no ways defaced hath been received, and the same is committed to the care and keeping of our Deputy Governor, Major John Coggeshall, for which our present Governor is discharged thereof.

Voted, Whereas there are sundry orders and acts heretofore made, ordained and enacted in this Collony, concerning customs, and selling of rum and other strong waters, and of sundry sorts of drink, to the English; and also concerning the selling of ammunition, and guns to Indians; and keeping public houses of entertainment: and the Assembly having debated and considered that the use and benefit of the said orders and acts are terminated and ended:

Be it ordained by this Assembly and the authority thereof, That all and every order and orders, act and acts, heretofore made concerning customs and impositions appointed to be levied and paid for, or upon importing of rum, brandy, wine, and other strong waters, and other sorts of strong drink, and all and singular the fines or forfeitures thereupon, are remitted and discharged. And all and every order and orders, act or acts, heretofore made concerning the selling of guns, powder and shot or ammunition, to Indian or Indians, and all and every order or orders, act or acts, made concerning keeping of public houses of entertainment are repealed and made void. Except two orders or acts made concerning keeping ordinaries or tippling houses, made, ordained and enacted in a Generall Assembly, held in Newport, May 7th, 1673, and May 4th, in the year 1680; any clause or clauses in any orders, act or acts to the contrary hereof, notwithstanding.

Voted, The Assembly taking into serious consideration to have the laws of this Collony composed, extracted, altered, amended, and drawn up into a better method and form; and

for that end and purpose this Assembly have chosen and deputed as a Committee to effect the same, Major Peleg Sanford, Mr. Thomas Ward, and Mr. John Williams, or major part of them. And that the Recorder is desired if he can, to be helpful to them. But nevertheless, and it is ordered, the books shall be left for their use aforesaid, in Major Peleg Sanford's hands by the Recorder, at such times as he cannot be present with them, and that the said Committee are hereby empowered to appoint their time of meeting. And the major part, or so many as shall be present, to make their return to this Assembly, at their next sessions upon adjournment, for approbation : and that they shall be satisfied for their pains.

Voted, As an addition and for the reviving the laws for the true performance of gathering rates.

It is enacted by this Assembly and by the authority thereof, That with respect to the late levie or levies, that was made at the Generall Assembly, held at Warwick, in October, 1684, or else before in this Collony ; that all Sergeants and Constables that have been negligent therein, be called to account by the Generall Treasurer, and do surrender to the Generall Treasurer as well as to others, the effects that the Generall Assembly have ordered to be delivered to each person, concerned in said order or orders.

And in case there hath been any neglect in sending forth warrants or calling for them, It is hereby ordered, that warrants may and shall be sent forth by the Governor, Deputy Governor, Assistant or Assistants, Conservator or Conservators of each town and place in this Collony, to the now or succeeding Constables, to gather and deliver the same accordingly, as if it had been seized and delivered at the former times prescribed.

Voted, That this order be forthwith published by the Recorder, under the seal of the Collony, and this to be done at the Court House, this instant 8th of May, and a drum to be beaten for the signifying thereof.

Voted, This Assembly on serious consideration, see cause to adjourn untill Tuesday, the 29th of June, now next ensueing,

and then to assemble at the now dwelling house of John Davis, in Newport; only, if there do present occasion, then by warrant from our Honored Governor, or in his absence, or by his leave, the Deputy Governor, the Assembly to convene sooner.

June 29th.

According to the aforesaid adjournment, the Assembly sat.

Whereas, Mr. Samuel Stafford, chosen an Assistant, having positively refused to engage, this Assembly do elect Mr. Benj. Smith in his room.

Mr. Benjamin Smith, chosen Assistant.

Voted, Whereas, we have received from our gracious Majesty, by the hand of Edward Randolph, Esq., a writ of Quo Warranto, bearing date October the 6th, 1685, and received the 22d of June, 1686;* and upon the receipt there of, our Honored Governor having ordered notice to be given to all the free inhabitants, especially to those of the chief towns in this Collony, that they would be pleased to make their appearance either in person or in writing, at the sitting of this Assembly, which was to convene the 29th of this instant June, and in submission to the said notice given, many of the freemen of the said towns did meet and give in their judgments to the Assembly, and then left the further proceeding concerning the premises to the judicious determination of the Assembly.

This Assembly upon the serious consideration of the above said premises, do hereby order, publish and declare, that they have determined not to stand suit with his Majesty, but to proceed by our humble address to his Majesty to continue our privileges and liberties according to our Charter, formerly granted by his late Majesty, Charles the Second, of blessed memory.

Voted, This Assembly order, that the above said act be

* It is to be regretted that no copy of the writ of Quo Warranto against Rhode Island exists among the records, or on the files of the State, nor is any copy known elsewhere. I am informed by my friend, the Hon. Samuel G. Arnold, of Providence, who made a thorough examination of the New England Documents in the State Paper office, London, and who selected most of the papers copied for the unrivalled collection of manuscripts in the possession of Mr. John Carter Brown, of Providence, that no copy exists among those voluminous public archives.—J. R. B.

forthwith published in the town of Newport, at three convenient places for that end, and the same to be done by the Recorder, with the Generall and Town Sergeant, and the beat of drum.

Voted, Whereas it appears to this Assembly, that Edward Randolph, Esq., hath demanded one thousand acres of land of this Collony, on behalf of the Right Honorable the Earl of Clarendon. This Assembly having taken the matter into serious consideration, have thought meet to appoint a Committee to treat with the Honored Edward Randolph, and to make such agreement as they see most meet: or if they see cause to write to the Right Honorable the Earl of Clarendon, aforesaid.

The persons chosen, are the Honored Governor, Deputy Governor, and such of the Assistants as may be present; and also so many of the present Deputys that can be present at the time appointed.

Voted, Upon a motion of some members of this Assembly for the more certain settling town affairs, it is ordered, and enacted by this Assembly, that it shall and may be lawful for the freemen of each town in this Collony to meet together and appoint five or more or fewer days in the year for their assembling together, as the freemen of each town shall conclude to be convenient, for the managing the affairs of their respective towns.

And it is also further ordered, That the freemen of each town, yearly, upon one of their days of meeting together, nominate and elect such and so many town officers as they shall think meet for the managing of the affairs of their respective towns.

And it is also further ordered, That the freemen of each and every town, being orderly called together, that what the greater part of those that meet shall lawfully order and do, concerning making town rates, and the other affairs of their town, shall be valid and firm, until the said freemen shall see cause to repeal or make void such order or orders by them made and appointed.

And for the prevention of disputes concerning the legal calling and assembling the freemen to their town meetings, the

freemen of each town have power to order their Clerke or other officer, or officers of their said town, to warn or cause to be warned by warrant, the said freemen to come together ; and also to appoint the time of the day for their meeting.

Voted, That a Committee be chosen and empowered by this Assembly, they or the major part of them, on this Collony's behalf, to draw up our humble address to his Majesty our Sovereign Lord the King, and to take speedy and effectual care for the safe conveyance thereof by way of Boston and York. And also to procure a messenger as soon as they can, to go for England ; and to draw up letters to the Governor of York, to President Dudley, and to Esquire Randolph.

The persons chosen and empowered, are our Honored Governor and Deputy Governor for Newport ; Mr. Joseph Jencks, for Providence ; Mr. Peleg Tripp, and the Recorder, for Portsmouth ; Major John Greene, for Warwick.

And the said Committee to be paid two shillings, sixpence, in or as money per day, out of the Generall Treasury, for their service therein.

Voted, The Generall Sergeant's bill, amounting to eight pounds, six shillings, in or as money, is owned, and ordered to be paid to the said Generall Sergeant, Edmund Calverly, by the Generall Treasurer.

Voted, The Recorder, John Sanford's bill, amounting to six pounds, six shillings, six pence, in or as money, for service done as Recorder and Secretary, is owned, and ordered to be paid by the Generall Treasurer.

Voted, Henry Lilly's bill, for service done, amounting to two pounds, fourteen shillings, in or as money, is owned, and ordered to be paid by the Generall Treasurer.

Voted, That the Recorder, John Sanford, shall have from each town in this Collony, the sum of ten shillings, in or as money, for copys of these Assemblys' acts, under the seal of the Collony ; and the same with all convenient speed to be sent forth.

Voted, This Assembly is dissolved.

Copie, per JOHN SANFORD, Recorder.

Address from the Governor and Company of Rhode Island to James the 2d, on the receipt of the Quo Warranto.

To his Most Excellent Majestie, our Sovereign Lord, James the Second. The humble addresse of the Governor and Company of your Majestie's Collony of Rhode Island and Providence Plantations, in New England, in America.

Most Dread Sovereign : We your Majestie's most dutiful and loyal subjects, do with all humble and due submission, prostrate ourselves and privileges at your Majestie's feet, humbly acknowledge your Majestie's gracious favor, in your Royal letters of the 26th of June, 1685, in the first year of your reign, directed to our Honored Governor, wherein you are graciously pleased to signifie (we shall at all times extend our Royal care and protection to them in the preservation of their rights, and in the defence and security of their persons and estates, which we think fit that you signifie unto the inhabitants of that your Collony), we your Majestie's most dutiful subjects, humbly acknowledge the receipt of your Quo Warrantos, by the hand of Edward Randolph, Esq'r, against the Charter of your Majestie's said Collony, which we received the 22d of June, 1686, requiring our appearance before his Majestie, where ever he shall then be in England, to answer from the day of Easter in fifteen days, which time had its period before the reception of the same, which was the 22d day of June, '86. Notwithstanding, in obedience to your gracious Majestie's commands, your Governor and Company convened, and upon serious consideration thereof, saw cause forthwith to publish and declare, by open Proclamation, that they would not stand suit with your Majestie, but to address themselves to your most excellent Majestie for favor and relief, praying and imploring your Princely bounty in our said Charter, contained both in religious and civil concerns ; and the rather because we are a people, that have been and are real to the Royal interest, and despised by our neighboring Collonys. May it please your Majestie to know that before we received a Quo Warranto, or so much as a copie of your Majestie's Commission to the Honored President Joseph Dudley, Esq'r, that the greater part of our Collony was assumed from us, called the King's Province, which we did not oppose.

And farther, we beg that in your Princely clemency, you will please to continue our privileges in stato quo privis, with respect to indulgence in matters of religious concerns and forming of catches or attestations.

And farther, we humbly petition your Royal favor, that forasmuch as the port of Newport, on Rhode Island, lays in the heart of all your Majestie's Collonies, it may be a free port for navigation and entries, paying duties.

And farther, we beg your Majestie's most gracious favor herein, that no persons may be imposed over us that suit not the nature and constitution of your Majestie's subjects here, which our late Majestie of blessed memory, was graciously pleased to indulge us in.

And finally, we pray and beseech your Royal Majestie, that in all things wherein we have been weak, or short, through ignorance, may be remitted and pardoned ;

and cannot but think that through the disaffection of some, many things may have been misrepresented. All which is humbly submitted, and we beseech your most excellent Majestie to accept hereof, prostrating our all at your gracious feet, with our entire resolutions to serve our Sovereign with faithful hearts, praying for your Majestie's long life and prosperous reign over us.

And remain your Majestie's loyal subjects and supplicants,

WALTER CLARK, Governor.

Newport, on Rhode Island, the 3d of July, 1686.

*Address from certain inhabitants of Rhode Island in relation to the
Quo Warranto.**

To the King's Most Excellent Majestie. The humble petition and address of some of the inhabitants and freemen of your Majestie's Collony of Rhode Island and Providence Plantations, in the Narragansett Bay, in New England, sheweth :

That we are truly sensible of his late Majestie's gracious favor to us, in granting us a Charter of Incorporation, and making us a body politick, in these remote parts of his dominions, for the more easy administration of justice amongst our selves, suitable to our condition and constitution ; and though perhaps we lie under censure, yet hope we have so demeaned ourselves, in the administration thereof, as may render us to your Majestie rather as persons ignorantly than willingly transgressing.

We have received your Majestie's writ of Quo Warranto issued forth against the aforesaid Corporation (and communicated to us by Edward Randolph, Esq'r), with all dutiful respect and submission, as becometh loyal subjects ; and in obedience thereto, we the underwritten in behalf of our selves and others, doe here present our full and free submission, and entire resignation of the power given unto us in said Charter, unto your Majestie's pleasure, humbly desireing your Majestie's candid interpretation of our past actions, and that your Majestie will take such notice of us in the succeeding government, as may best consist with your Majestie's honor and our good, respecting the situation of the place, and conveniency of our commerce most suitable with our adjoining neighbors, the Massachusetts, and Collonie of New Plymouth, whose arms enfold the Narragansett Bay, wherein we are.

And whereas, the Generall Assembly of your Majestie's aforesaid Collonie, sitting the 29th of June, 1686, have made their public declaration, that they will not stand suit with your Majestie, but will proceed by their humble address, for continuation of their privileges and liberties, according to Charter, and that many of the freemen did give in their judgment to the Assembly, and left the further proceedings to their judicious determination, as by their declaration herewith sent, may appear.

We, your present supplicants and humble petitioners, declare, that we know nothing of it, neither have we left the further proceedings with the Assembly, but present our selves before your Majestie by this our early and humble address, desiring we may be discharged of all levies and contributions, which they would ex-

* J. Carter Brown's Manuscripts, Nos. 207-8, Vol. IV.

pose us to, to defray the charges of an Agent's going for England, to which we cannot consent, and shall ever pray for your Majestie's long and happy reign.

Your Majestie's most loyal and obedient subjects.

Dated in Rhode Island, the 16th of July, 1686.

JNO. WILLIAMS,
THOMAS CODDINGTON,
JOSIAH ARNOLD,
FRANCIS BRINLEY,
RICHARD SMITH,
EDWARD PELHAM,
NATHANIEL CODDINGTON,
CHRISTOPHER ALMY,

PELEG SANFORD,
JOHN FONES,
JOHN ODLIN,
ANDREW WILLETT,
JOHN GREENE,
his
JOHN I R RATHBONE,
marke.

[An address was also sent to the King from the Quakers of Rhode Island, in relation to the writ of Quo Warranto. They set forth that they are a "loyal and peaceable people, and cannot in conscience bear arms, nor learn war any more,"—"that they may be excused, being willing to pay all just rates and duties for carrying on the Commonwealth's affairs, and for supporting the government with others, according to estate and strength." This address bore date of August 26, 1686, and was signed by John Easton, Daniel Gould, Edward Thurston, Gyles Slocum, John Rodman, and John Easton, Jun'r.]—*J. Carter Brown's Mss. Vol. IV. No. 214.*

James the Second's Commission, Constituting a President and Council.

James the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to all to whom these presents shall come, greeting:

Whereas, a writ of scire facias hath been issued out of our High Court of Chancery against the late Governor and Company of the Massachusetts Bay, in New England, whereby the government of that Collony and members thereof, is now in our hands; and we being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner, that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet, and orderly government of the same, know ye, therefore, that we, by and with the advice of our Privy Council, have thought fit to erect and constitute, and by these presents, for us, our heirs and successors, to erect, constitute, and appoint a President and Council, to take care of all that our territories and dominions of New England, in America, commonly called and known by the name of our Collony of the Massachusetts Bay, and our Province of New Hampshire and Maine, and the Narragansett Country, otherwise called the King's Province, with all the Islands, rights and members thereunto appertaining; and to order, rule, and govern the same, according to such methods and regulations as are herein after specified and declared, until our Chief Governor shall arrive within our said Collonies.

And for the better executing of our Royal pleasure in this behalf, we do hereby

nominate and appoint our trusty and well beloved subject, Joseph Dudley, Esq.,* to be the first President of the said Council, and to continue in the said office until we, our heirs, or successors shall otherwise direct. And we do likewise nominate and appoint our trusty and well-beloved subjects, Simon Bradstreet, Wm. Stoughton, Peter Bulkley, John Pynchon, Robert Mason, Richard Wharton, Waite Winthrop, Nathaniel Saltonstall, Bartholomew Gidney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hincks, Francis Champernoone, Edward Tyng, John Fitz Winthrop, and Edward Randolph, Esq's, to be of our Council, within our said territory and Collony; and that the said Joseph Dudley, and every succeeding President of the said Council, shall and may nominate and appoint any one of the members of the said Council, for the time being, to be his Deputy, and to preside in his absence; or the said President or his Deputy, and any seven of the said Council, shall be a quorm. And our express will and pleasure is, that no person shall be admitted to sit, or have a vote in the said Council, untill he hath taken the oath of allegiance, and the oath hereafter mentioned, for the due and impartial execution of justice, and the faithful discharge in them reposed.

[The above written is part of the commission of Charter granted to Colonel Dudley, that concerns the Narragansett country, or King's Province; the rest is general

* From the high position of Governor Joseph Dudley, and his intimate connexion with the history of the New England Colonies, we present the following sketch of his life from the New England Historical and Genealogical Register, Vol. X. p. 337.

Joseph was the second son of Governor Thomas Dudley, a descendant of the Barons of Dudley, England, whence he derived his name and armorial bearings. He was born 23d September, 1647, at Roxbury, Mass., and graduated at Harvard College, in 1665. His subsequent official career was the most brilliant that had then been witnessed in the new world.

He served his native town, first as a Representative, and next as an Assistant, from 1673 to 1685, and was one of the two Commissioners for the United Colonies from 1677 to 1681.

He was present at the battle with the Narragansetts, in December, 1675, and was one of the Commissioners who dictated the terms of a treaty with that powerful tribe. By a commission from King James II., dated 27th September, 1685, he was exalted to the office of President of New England [Massachusetts, Maine, New Hampshire, and the Narragansett country]. In 1687, he was appointed Chief Justice of the Superior (now Supreme Judicial) Court; and fell into trouble in the revolution of 1689, being arrested and imprisoned in the castle at Boston, as one of the friends of Andros. By his letters to the people's Governor, Simon Bradstreet, who was his brother-in-law, it appears he was for a long time treated with considerable rigor. At length, being sent to England with Andros, the fallen President, the new Sovereign, Queene Anne, received him with favor, and made him Chief Justice of New York. He was again in England, in 1693, and, during eight years, says Governor Hutchinson, he held the office of Lieutenant Governor of the Isle of Wight, being, in 1701, elected to Parliament from Newton, in that Island. Mr. Dudley held many other public offices and honors too numerous to mention. In 1702 he returned to his beloved native country, as Captain General and Governor-in-Chief of Massachusetts Bay, including New Hampshire and Maine, being received here with great respect and affection. Continuing in this high station till 1715, when a new sovereign ascended the throne of England, that knew not Joseph, he retired to his rural home in Roxbury, and died on the 2d day of April, A. D. 1720, in the seventy-third year of his age.

instruction for the government of the whole, and concluded in these words following] :

In witness whereof, we have caused these our letters to be made patent.

Witness Ourselves at Westminster, the 8th day of October, in the first year of our reign.*

Proclamation of James Second, relative to the Narragansett Country.

A PROCLAMATION.

By the President and Council of his Majesty's territory and dominion of New England, in America.

Whereas, his Most Excellent Majesty, our Sovereign Lord, James the Second, King of England, Scotland, France and Ireland, Defender of the Faith, &c., by Commission or Letters Patents under his great seale of England, bearing date the 8th day of October, in the first year of his reign hath been graciously pleased to erect and constitute a President and Council to take care of all that his territory and dominion of New England, called the Massachusetts Bay, the Provinces of New Hampshire and Maine, and the Narragansett Country, otherwise called the King's Province, with all the Islands, rights and members thereunto appertaining; and to order, rule and govern the same, according to the rules, methods and regulations specified in the said Commission; together with his Majesty's gracious indulgence in matters of religion.

And for the execution of his Royal pleasure in that behalf, his Majesty hath been pleased to appoint Joseph Dudley, Esq'r, to be the first President of his Majesty's said Council, and Vice Admiral of these seas; and to continue in the said offices until his Majesty shall otherwise direct; and also to nominate and appoint William Stoughton, Esq'r, now Deputy President, Simon Bradstreet, Robert Mason, John Fitz Winthrop, John Pynchon, Peter Bulkley, Edward Randolph, Wait Winthrop, Richard Wharton, John Usher, Nathaniel Saltonstal, Bartholomew Gidney, Jonathan Tyng, Dudley Bradstreet, John Hinks, and Edward Tyng, Esqr's, to be his Majesty's Council in the said Collony and territorys.

The President and Council, therefore being convened, and having according to the direction and form of the said Commission, taken their oaths and entered the government aforesaid; and finding it needful, that speedy and effectual care be taken for the observation of his Majesty's commands, and particularly for the regulation and good government of the Narragansett Country, or King's Province, which hath hitherto been unsettled. They, the said President and Council, have resolved speedily to erect and settle a constant Court of Record upon the place; and that the President, Deputy President, or some others of the members of his Majesty's Council, shall be present to give all necessary power and directions for establishing his Majesty's government there, and administration of justice to all his Majesty's subjects within the said Narragansett Country, or King's Province, and all the Islands, rights and members thereof. And the said President and Council have in the interim assigned Richard Smith, Esq'r, James Pendleton, and John

* Mass. Hist. Collections, Vol V. p. 211.

Fones, gentlemen, justices, to keep the peace of our Sovereign Lord, the King, and all his subjects ; and also given commission to the said Richard Smith, to be Sergeant Major, and chief Commander of his Majesty's militia, both of horse and foot, within the Narragansett Country, or Province, and all the Islands, rights and members thereof.

Therefore, the said President and Council, do hereby in his Majesty's name, and by virtue of his said Commission, strictly require and command all other persons being or coming upon the place, to forbear the exercise of all manner of jurisdiction, authority, and power, and to cease all further proceedings for the allotments or divisions of land, or making any strip or waste upon any part of said Province, save only on each man's stated propriety, except by licence obtained from the said Court, or the President and Council, until there shall be such effectual regulation and government established, as is directed by his Majesty. And the said President and Council do hereby henceforth discharge all his Majesty's subjects within the said Narragansett Country, or King's Province, and all the Islands, rights and members thereof, from the government of the Governor and Company of Connecticut and Rhode Island and Providence Plantation, and all others pretending any power or jurisdiction. Hereby charging and commanding all his Majesty's subjects to yield ready and due obedience to the said Justices of the Peace, the Sergeant Major, or chief Commander of his Majesty's militia. And George Weightman, Thomas Eldridge, Thomas Monford and William Chaplin, are hereby appointed and authorized present Constables ; and liberty given to the aforesaid Justices to appoint so many more as they shall see needful to them, and to administer oaths unto the aforesaid Constables and such as are to be ordained. And all other persons are to be aiding and assisting unto them the said Justices and Constables in the execution and discharge of their respective offices, charges and trusts, as they will answer the contrary at their utmost peril.

Given from the Council house in Boston, this 28th day of May, Anno Domini 1686, Annog: Regni Regis Jacobi Secundi Secundo.

By the President and Council.

EDWARD RANDOLPH, Sec'ry.

God save the King.

Walter Clark to Edward Randolph.

Esteemed and courteous : Understanding by the blessing of God of thy landing at Boston, the 13th instant, hold myself obliged to congratulate thy safe arrival once more into these American parts, and to assure thee that as I stand constituted in my present capacity, shall be glad to serve thee in any office of love to my power, which I presume is the minds of all my well-beloved friends, and hope our practice will demonstrate the same if time and opportunity offer, having a true regard to all such whom his Majesty, in his princely wisdom, thinks meet to employ in his weighty concerns, is all at present, and with dear respects to all so immediately concerned,*

Remain thy assured friend,

WALTER CLARKE.

Newport, on Rhode Island, this 15 day the 3 mo. [May] 1686.

For his esteemed Ed. Randolph, Esq'r, }
in Boston, these. }

Order of the President and Council.

Boston, the 17th day of June, 1686.

We, John Pynchon, Bartholomew Gidney, and Jonathan Tyng, members of his Majesty's Council, have examined the several acts, accords, deeds, and entries, in the twenty-seven foregoing pages,* and find them to agree with the originals in the hands of Capt'n Hutchinson, and recommend it to the President and Council, that the transactions in this book be allowed and declared good and authentic records; and that the same book be carried on and employed for entry of the subsequent acts, orders, agreements, and transactions of the proprietors, deriving by, with, and from John Winthrop, Esq'r, and Major Humphrey Atherton, deceased, and their associates, and all other matters fit for public records, in the Narragansett country, or King's Province

JOHN PYNCHON,
BARTHOLOMEW GIDNEY,
JONATHAN TYNG.

Letter from Edward Randolph to Governor Hinckley, of Plymouth, relative to Taxes for the support of Ministers.

Rhode Island, June 22d, 1686.

Sir: I am come hither in my way to Narragansett, and am here entertained with an displeasing story (if true), that is, about three weeks since some persons of this place were at Scituate, where a Constable came and demanded three pounds of Edward Wanlaye, for to pay the Minister; and have treated others in the same manner. Truly, I am very sorry, since his Majesty has been graciously pleased to grant liberty of Conscience in our government, that it should be restrained in your Collony, without any particular directions from Whitehall.

Sir, let us bring the matter to the square, and perhaps 't will be as reasonable to move that your Collony should be rated to pay our Minister of the Church of England, who now preaches in Boston, and you hear him not, as to make the Quakers pay in your Collony, when what is a rule for us, is a very good direction to others; and may be applied securely if not practiced to the [rest] of his Majesty's subjects, who are all entitled to that blessing and favor; which I leave to your very serious consideration, and am your assured friend,

ED. RANDOLPH.

To Francis Hinckley, Esq'r,
Governor of New Plymouth Collony.

* This refers to the summons, calling the meeting of the Narragansett Commissioners, their report, and the King's commission to Edward Cranfield.

† Letters and Papers (Rev. T. Prince's Collection), 1686-1720, p. 3.

Commission to Edward Randolph, Secretary of the Governor and Council of the New England Colonies.

September 21, 1685.

JAMES REX.

James the Second, by the grace of 'God, King of England, Scotland, France, and Ireland, Defender of the Faith, and to all to whom these presents shall come, greeting:

Whereas, we have thought fit to appoint a President and Council, until we shall send over a Governor in Chief to take care of all our territory and dominion in New England, commonly called or known by the names of the Collony of the Massachusetts Bay, the Province of New Hampshire and Maine, and the Narragansett Country, otherwise called the King's Province, with all the islands, rights and members thereunto belonging; know ye, that we reposing especial trust and confidence in the loyalty and abilities of our trusty and well beloved Edward Randolph, Esq'r, have given and granted, and, by these presents, do give and grant unto him, the said Edward Randolph, the several and respective places and offices of Secretary and sole Register of our Governor and Council, and of our government there, for the time being, of and in our territories and dominion aforesaid, and him (the said Edward Randolph, Secretary and Register of our said territory and dominions), we do, by these presents, make, ordain and constitute, to have, hold, exercise and enjoy the said places and offices, or to him, the said Edward Randolph, by himself or his deputy or deputies during our pleasure, together with all fees, rights, privileges, profits, perquisites and advantages, to the said places and offices, or either of them, belonging or in any wise appertaining in as full and ample manner to all intents and purposes, as the Secretary and Register of our Island of Jamaica, or of any other our Plantations in America, have had or do now receive and enjoy. And hereof all persons, whom it may concern, are to take due notice, and yield obedience thereunto accordingly.

Given at our Court at Windsor, the 21st day of September, 1685, in the first year of our reign.*

Proceedings of a Court held by the Commissioners.

King's Province, June 23, 1686.

At a Court held by his Majesty's Commissioners and Justices, at Major Richard Smith's, in Rochester, in the King's Province. Present,

Joseph Dudley, President,	} of her Majesty's Council.
John Winthrop, Esq.,	
Edward Randolph, Esq.,	
Richard Wharton, Esq.,	

* Mass. Hist. Col. Vol. VII., p. 161.

John Blackwell, Elisha Hutchinson, Richard Smith, Francis Brinley, John Saffin, Esq's.; John Fones, Thomas Ward, James Pendleton, gentlemen.

Imprimis, The power and commission of the President, and the rest of the honorable gentlemen commissioned and for that purpose, was read, and the President and all the Justices there assembled, took the oath prescribed in said commission, and the Justices' oath; also Capt'n John Blackwell, Capt'n Elisha Hutchinson, Francis Brinley, John Saffin, Esq'r's, and Mr. Thomas Ward, took the oath of allegiance.

John Fones sworn unto the office of Clerk to said Court, and all Courts which shall hereafter be held in the King's Province for the time being: the King's commission to the President and Council of his territories and dominions in New England, openly read.

Commissions unto all the commissioned officers of the respective companies of the militia in the King's Province, delivered by the President, they having formerly taken the oath of allegiance.

Ordered, That the three towns now in the King's Province, shall be called Rochester; the first and chief, formerly called Kingston.

Haversham, the second, formerly called Westerly.

Dedford, the third, formerly called Greenwich.

Elisha Hutchinson, Esq'r, having exhibited a book and reference, and report thereon, under the hands of John Pynchon, Bartholomew Gidney, and Jonathan Tyng, Esq's, and the orders for allowance by the President and Council at Boston, dated the 17th day of this instant month June, it is ordered, that the said book and report, and allowance thereon, be committed to Capt'n John Fones, Clerk and Recorder of this Province; and that the matters entered in the said book stand and remain as authentic records of the Province; and in the same book the Clerk is ordered to enter such further records, grants, and bargains of lands, &c., as shall be acknowledged and allowed before the President, or some members of his Majesty's Council, from time to time, under their hands, with several other deeds as have been allowed by former authorities.

Ordered, That two Courts of Pleas shall be held yearly at Rochester. The first Court to be held the second Wednesday in October, and the second the last Wednesday in May.

And for the impartial issue of titles of land within this Province, and that absent claims may not be impeded, nor exception made against the Judges, several of his Majesty's Council and Justices assigned to hold his Majesty's Court here, being concerned in the general titles:

It is ordered, That all original writs in real actions shall be served at least thirty days before the session of the Court that shall try the case; and that declarations be filed in six days after the process is served, and that the Clerk of the Court for the time being, shall at least eighteen days before the session of the Court, transmit to the President or Deputy President, an account of all actions entered and depending on the general files.

Ordered, That in all other cases, the proceedings of the Court in this Province, be agreeable to the general order and directions for the administration of justice in other parts of his Majesty's territory and dominion under this government.

For the settlement of precincts of towns and the government of the militia, it is ordered, that the bounds of the town of Rochester, in the King's Province, shall be accounted to begin at Mill River, to the eastward of James Reynolds, Sen'r, his

house, and to extend to the westernmost bounds of the tract of land commonly known by the name of Pettequamscot, as it is bounded by the agreement made the 25th of December, 1679, including the northern and southern tracts, purchased by the late John Winthrop, Esq'r, and others ; also said Pettequamscot tract, and the inhabitants thereof.

Ordered, That the bounds of the town of Haversham, in the King's Province, shall be accounted to begin at Rochester, and extend to Paucatuck River, including all the lands in the King's Province, to the westward of the said town of Rochester.

Ordered, That the bounds of Dedford, in the King's Province, shall begin at Rochester bounds, to extend unto the bounds of Warwick, including all the lands in the King's Province, to the eastward of the said town of Rochester, viz.: the lands formerly called East Greenwich, Cowesett, Pottowomack, and inhabitants thereof.

Ordered, That other inhabitants in the King's Province shall belong to and attend their respective duties in such of the abovesaid towns as their habitations lye nearest, until further order.

Forasmuch as sundry persons have been deluded, whilst no government was settled upon the place, having been encouraged, without license from the proprietors, to build and make improvement upon the lands called the mortgage lands ; to the end, therefore, that all such persons may have seasonable time to make their compositions, that so they may, either upon purchase, rents, or other good agreements, enjoy their respective improvements, where they seem not prejudicial to townships nor highways, it is ordered, that no possessor, as incumbent of or upon any such lands, shall be molested, nor any action upon the title of land brought against them before the 20th day of August next. In case upon any treaty with the proprietors, or their committee, they receive not satisfaction in the terms, the said possessors or incumbents shall, upon their complaints, be heard by the President and Council at Boston, and relieved so far as may be consistent with common justice, and his Majesty's service, who will further direct to the trial and issue of the differences.

June 24th.

Ordered, That thirty, or any less number of wild or unmarked horses of two years old or upwards, shall be taken up, and by the order of two of the Justices of the Peace sold ; and the produce employed for building a prison and erecting stocks. And that Daniel Vernon be appointed Marshall of the Province, and prison keeper.

Ordered, That copies of all publick acts and orders of this Court be fairly drawn and sent to the Constables, to be published in the several towns of this Province.

In answer to the complaint of James Corree, late servant to John Carr, showing his indenture, and complaining that he is dismissed after many years service by the said indenture, without necessary apparel ; all which doth also appear unto the Court.

It is therefore ordered by the Court, That the said John Carr, the master, do provide and deliver unto the said servant one suit of clothes, one shirt, stockings and shoes as is meete for such a servant for his body, within ten days next, or pay unto him four pounds, to provide for himself.

Ordered, That four days in the year be appointed for trayning; and that the penalty for non-appearance be six shillings, eight pence per head.

Rochester, July 5th, 1686.

Copie, per JOHN FONES, Clerk.

Letter from the Court [of Massachusetts] to Dudley.

Gentlemen: We have perused what you left us as a copy of his Majesty's commission, showed us the 17th instant, empowering you for the governing of his Majesty's subjects, inhabiting this Collony, and other places therein mentioned. You then applied yourselves to us, not as a Governor and Company, but (as you were pleased to term us) some of the principal gentlemen and chief of the inhabitants of the several towns of the Massachusetts—amongst other discourse, saying, it concerned us to consider what therein might be thought hard and uneasy. Upon perusal whereof, we find, as we conceive:

1. That there is no certain determinate rule for your administration of justice; and that which is, seems to be too arbitrary.

2. That the subjects are abridged of their liberties, as Englishmen, both in the matter of legislation, and the laying of taxes; and indeed the whole unquestioned privilege of the subject transferred upon yourselves; there being not the least mention of an Assembly in the commission. And therefore we think it highly concerns you to consider whether such a commission be safe either for you or us. But if you are so satisfied therein, as that you hold yourselves obliged thereby, and do take upon you the government of this people, although we cannot give our assent thereto; yet hope we shall demean ourselves as true and loyal subjects of his Majesty, and humbly make our address unto God, and in due time to our gracious Prince, for our relief.*

Passt by the whole Court, May 20, 1686, nemine contradicente.

Attest,

EDW: RAWSON, Sec'ry.

Randolph to the Board of Trade on the state of the Colonies.

Boston, in New England, July 28th, 1686.

May it please your Lordships: Pursuant to his Majesty's order in Councill of the 15th of July, 1685, directing Mr. Attorney Generall to cause writs of Quo Warranto to be brought against the Charters of the Collonys of Rhode Island and Connecticut, in New England, I accordingly served those writs; though by a tedious passage of almost six months from London to this place, the time of their return was lapsed. However the Governor of Connecticut, upon my delivering the writ to him at Hartford, on the 21st instant, has appointed a meeting of the Generall Court of that Collony to be called together to surrender their Charter to his Majesty, if not persuaded by the factious party here (who are unwilling to depend upon his Majesty's favor) to stand a tryall, only to gain time, and delay his Majesty's sending over a Generall Governor. Upon my giving the Governor of Rhode Island the sum-

* Mass. Hist. Col. Vol. VIII., p. 179.

mons of the writ, he assembled the freemen, and they have drawn a petition and address to be forthwith humbly presented to his Majesty.

I intended long before this time humbly to lay before your Lordships a more early account of the present state of this government; but have forbore, to see what effects his Majesty's gracious commission of a new constitution of government, containing liberty of conscience, would have upon the people of this Collony, which at my first arrival was received with all outward show of satisfaction, and a compliment of gratitude was returned his Majesty for that favor. But since, the proceedings of the President and Councill, whatever they write or pretend in their letters to your Lordships, are managed to the encouragement of the independent faction, and utter discountenancing both the minister and those gentlemen and others, who dare openly profess themselves to be of the Church of England; not having any allowance for our ministers, more than we raise by contribution amongst ourselves; the form of this government is only changed; for our Independent ministers flourish and expect to be advised with, in publick affairs. I need no other arguments to confirm the truth hereof to your Lordships, than to say, that but two of the present members of the Councill, viz.: Mr. Mason and myself, are of the Church of England; that of above sixty officers in the militia of this whole government, there are not above two Captains and two or three inferior officers but are either Church members, or such as constantly frequent those meetings, which makes con-conformists from all places resort hither.

About two months ago, Mr. Mourton, an excommunicated minister, came hither from Newington Greeen; he was welcomed by our President, and designed to be made head of our College; but not daring to proceed at first by such large steps, he is called to be minister at Charles Town, a very good living, and is ready at hand to be the President of the College.

Two brothers of the name of Baylys, great and daring non-conformist ministers, at Limerick, in Ireland, have been here these two years, and well provided for. In the time of Monmouth's rebellion, most part of the ministers animated the people, saying the time of their deliverance was at hand, and not one of them prayed for his Majesty, and would not give credit to his Majesty's gracious letter, signifying the overthrow of the rebels.

I humbly propose, as greatly for the quiet and welfare of this Plantation of New England, that no minister from England be admitted to land without the license of the Generall Governor; and that he have power to license or restrain from preaching publickly such as are already upon the place. From all which, it will appear very needful, that his Majesty would be graciously pleased to send us over a Generall Governor, to unite and settle this distracted country; and also to make good, what is newly begun in this Collony, the delays whereof may be of evil consequence, and give way to the factious people here to re-assume the government; which they openly declare they have not passed withall, but expect an opportunity to be restored.

And as to the discharge of the trust reposed in me, I humbly represent to your Lordships, that under color of his Majesty's authority, the President takes great liberty to impose upon me in my station, and would not assist me to make a seizure of a vessel in the harbor, which my officers were not permitted to board. I am by all accounted the sole enemy of the country, having been for eleven years attending his Majesty's commands in this affair, and by serving the writs upon the other Colonies, my life will be made very uneasy, unless his Majesty shall be pleased gra-

ciously to recommend me to the care and protection of his Generall Governor, for whose speedy arrival all good men heartily pray. All which is humbly submitted by
Your Lordships' most humble servant,

ED. RANDOLPH.

To the Honorable the Lords of the Committee for Trade and Foreign Plantations.

Randolph to the Board of Trade on the state of the Colony.

Boston, in New England, August 23, 1686.

May it please your Lordships: In my letter of the 28th of July last, I humbly represented to your Lordships my serving the writs of Quo Warranto against the Collonies of Rhode Island and Connecticut, and that they intended to make their humble submission of their Charters to his Majesty, unless underhandedly diverted by the faction in this government, who are countenanced, and are not out of hopes to be restored to the exercise of their former authority by Charter, the late Generall Court being upon an adjournment, continued, made upon the 21st of May last, and are to meet at 8 o'clock, in the morning, upon the second Wednesday in October next, and as yet the President and Councill, though often moved by my self, that their adjournment ought to be declared illegal, have done nothing to discountenance that act, but on the contrary, have preferred divers of the Magistrates and others of the late government, to commands in the present militia, and Justices of the Peace in severall of the towns in this country.

His Majesty having been graciously pleased to grant me the office of Secretary and Register of this government, I demanded the Records of the Generall Court, and other books of public concern, which ought to be lodged in my office, and had an order to that purpose; but some of the Councill and others, looking upon me as the only enemy of their country, have encouraged the former Secretary to keep them in his custody; to the end your Lordships might know what large tracts of land they have bestowed upon each other, and are at this day making sure to themselves all the land in this government not yet disposed of, in which perject is one Capt'n Blackwell, Treasurer to the army in Cromwell's time, and son-in-law to Lambert, and now made Justice of the Peace, although excepted in the free and generall pardon in the twelfth of his late Majesty.

They likewise refuse to let me have an account of the receipts and disbursements of their late Treasurers, which I have often demanded, the better to discover to your Lordships the rates and taxes imposed upon the people (against the wills of most of the inhabitants) to defend their Charter and continue themselves in government. The great favor of liberty of conscience granted this people may in a short time be of ill consequence to this government, unless it be in the power of his Majesty's Generall Governor to put some limitation to their extravagant use of it.

It plainly appears, that although his Majesty has been graciously pleased to appoint severall of the late government to be of his Council here, yet they retain their old principles; and I humbly propose it very necessary for the good governing of this Plantation, that his Majesty's Generall Governor be likewise empowered to displace such persons in the Councill who oppose his Majesty's interest, and elect

others in their stead ; otherwise, 't will not be possible to raise a revenue for support of this government.

Great numbers of people are transplanting themselves from England, Scotland, &c., to this country ; one ship has now brought us sixty passengers, with two non-Conformists Ministers. I have pressed that all persons above sixteen years old should present their names and give an account of themselves, and also be obliged to take the oath of allegiance ; but this being looked upon as a great discouragement to good people, is referred to the directions of his Majesty's Generall Governor.

I find the country dissatisfied for want of an Assembly of Representatives from the severall towns in the government, with power to raise money, and make laws, &c. The great matters they aim at, are a generall pardon, a confirmation to them of all their lands and possessions whatsoever, and to settle independency by a law ; but are very cold and backward to my proposalls of raising his Majesty a revenue upon quit rents, and the consumption of all liquors, wines, and other merchandize imported into this country ; which upon the addition of the Collonys of Connecticut and Rhode Island to this government, may amount to nigh £4000 a year, some part of which ought necessarily to be applyed to maintain officers in the severall ports of this government (as in New York), to take care that the Acts of Trade be duly executed, otherwise no men of credit will undertake that trust, unless they have a competent allowance for their service.

We have lately had a pirate of fourteen guns, and one hundred men upon our coasts ; and Capt'n George, commander of the Rose Frigate, was ordered to find him out, but he came too late ; for the pirate having first robbed two sloops laden with pork, peas, and other provisions, was gone away to the West Indies. Not long since, Gramond, a Frenchman, of fifty guns, lay off Carolina, and desired leave to trade, which was denied him. We have advice that a small sloop of twenty men have been seen upon our coasts. These very much disturb our trade.*

All which is most humbly submitted by

E. RANDOLPH.

To the Right Honorable the Lords of the Committee for Trade.

Letter from Randolph to the Lord Treasurer, after issuing the writs of Quo Warranto.

Boston, in New England, August 23, 1686.

May it please your Lordship : By the blessing of God, and your Lordship's favor, I have performed his Majesty's commands, and brought this people to a nearer dependance upon the Crown. I have likewise served two writs of Quo Warranto, upon the other two Collonies of Connecticut and Rhode Island, who are preparing to make their humble submission to his Majesty. But unless his Majesty please, in a very short time, to send us over a General Governor from England, all that is already done, will be of little advantage to his Majesty's interest. The independent faction still prevails, and persons of dangerous principles from England, Ireland and other places, are here received and highly encouraged. They have put Capt'n

* J. Carter Brown's Manuscripts, Nos. 210, 213, Vol. IV.

Blackwell Oliver, Treasurer in London, son-in-law to Lambert, excepted in the Act of Indemnity, and a violent Commonwealth's man, to be of the Commission of the Peace, and a man consulted with in all public affairs. The independent ministers and others, make every ill use of his Majesty's indulgence and liberty of conscience, some of them have spoken treasonable words in their pulpits, of which (to no purpose) I have complained to the President and Council, so that I am humbly of opinion, that liberty of conscience will much obstruct the settlement of this place, unless duly regulated by the authority of a prudent Governor sent hither. Your Lordship may please to remember, that this commission was but temporary, and served only to unbinge the Commonwealth, which, for many years, was usurped and managed by a faction. All the members of the present Council, Mr. Mason and myself excepted, are either Church members, or strong abettors of that party; and even Mr. Dudley, our President, was not long since a zealous preacher amongst us, and though, while in London, he pretended to be of the Church of England, yet, since he is made President, courts and keeps private cabals with these factious ministers and others, who, in the time of Monmouth's Rebellion, refused to pray for his Majesty. His Majesty hath been graciously pleased to make me Secretary of his Council here, but the accounts of the late Treasurer and whatever relates to the discovery of his Majesty's revenue, is kept from my knowledge. The public records, and all the grants and settlement of lands in this country, which ought to be lodged in my office, are otherwise disposed of, not being willing to entrust them with me, who have been, and (as they say) am still the grand enemy of their country. Mr. Wharton, a member of the Council, did openly declare, that his Majesty in appointing me his Secretary and Register, intended to intrall this people in vassalage. I have proposed the raising a revenue, yet cannot be heard in Council. I have likewise pressed the making of strict orders to prevent the irregular trade of this place; but some of the Council are traders, and others by marriage or otherwise, so nearly related, that, without a General Governor, interlopers will be countenanced, notwithstanding all my endeavors to the contrary. Here have been five or six ships seized and condemned, which inflames the people's malice against me. And the President, who by his office and duty is obliged to assist me, has openly refused, to his Majesty's great disservice. I question not but by his Majesty's uniting the several Collonies under one government, to raise his Majesty a considerable revenue by quit rents towards the support of the government, which will yearly increase. Of this the President, Mr. Wharton and several others, who have engrossed great tracts of land are sensible, and are therefore, unwilling to admit me to discover their estates. It was by your Lordship's favor, that his Majesty, in consideration of my past services, was pleased to grant me the office of Register and Secretary of this his government, a place in his Majesty's other Plantations of considerable advantage; but they have taken so great prejudice against me, that they have disposed of the perquisites of that office to persons of their own stamp, so that, for all my trouble and attending the Council here, I am not like to make £20 a-year. My earnest expectation of a General Governor, supports me under all these difficulties and disappointments; and though they treat me so rudely, yet I shall continue to assert his Majesty's interest in the station I am placed in, and remain, Right Honorable,

Your Lordship's most humble and most obedient servant,*

ED. RANDOLPH.

To the Right Honorable the Lord Treasurer.

Address of the Justices of Peace of the Narragansett Country to the King.

To the King's Most Excellent Majesty :

The humble petition and address of your Majesty's Justices of the Peace of the King's Province, or Narragansett Country, being now assembled at Rochester, in his Majesty's Territory and Dominion of New England, in America.

Most humbly sheweth : That the Plantation and settlement of your Majesty's said Province, having been long interrupted and discouraged by the pretensions and power of the government of Rhode Island, and more especially as your petitioners are informed, by the ill designs and practices of Major John Greene, of Warwick; a person of a restless and turbulent spirit, and others his accomplices, in the Colony of Rhode Island, who by misrepresentations to his late Majesty's Commissioners, and false suggestions to his late Majesty in Council, and by the exhibition of false deeds and informations on sundry occasions, have not only greatly disquieted your Majesty's subjects in said Province, and hindered what in them lies, the further settlement of the same, but also oppressed their neighbors of Pawtuxit, in the said Colony of Rhode Island, &c.

And your petitioners being informed by good evidence, that upon the late establishment of your Royall government here, and the publication thereof, by the President and Council, the said Major Greene, with James Greene, his brother, and others of the town of Warwick, in great contempt of your Majesty's authority and government, tore down from a publick place in this your Province, and carried away the Proclamation of your Majesty's gracious pleasure and care for the government of your subjects here, and hath since refused the mediation of your Majesty's President and Governor of Rhode Island, and all other just and regular ways and means for settlement of boundaries of said town of Warwick, and quieting the contentions and disputes which said Greene by false deeds and other ill means, hath stirred up and maintained against your Majesty's subjects here; and we your Majesty's petitioners, being further informed that the said Major Greene with others, intently contriving to retard the regulation of your Majesty hath thought so greatly needful for that Colony of Rhode Island and Providence Plantations, and to disturb the peace and progress of this Plantation, hath in a secret manner and upon many misrepresentations, drawn sundry of the inhabitants of Rhode Island to subscribe such papers, as he, to that end hath prepared; and to contribute money to maintain and carry on his causeless complaints at your Royall Court, to which he is now gone, having no lawful power from the Governor and Company of Rhode Island so to do.

Your petitioners most humbly pray, that as your Majesty hath graciously manifested your care for the peace and prosperity of this poor Plantation, in annexing the same to the government of the Massachusetts, so that your Majesty would still continue your just and tender regard thereto, and give check to the ill designs of the said Major Greene or others, pretending power from Rhode Island and Providence Plantations, and that you would graciously refer the same and matters herein contained, to the examination and determination of your Generall Governor and

Councill here, or other competent Judges, where all your Majesty's subjects concerned may have opportunity to be heard.

And your petitioners as in duty bound, shall ever pray.

JOHN SAFFIN,

RICHARD SMITH,

JOHN FONES,

ELISHA HUTCHINSON,

RICHARD WHARTON,

FRANCIS BRINLEY.

New England, 1686.

The Proprietors of Lands in Pawtuxet to the King.

To the King's Most Excellent Majesty.

The humble petition and address of the Proprietors of the Lands of Pawtuxet in the Township of Providence in the Collony of Rhode Island and Providence Plantations, in New England.

Humbly sheweth: That William Harris, of Pawtuxet, upon his petition, in behalfe of himself and your petitioners, his partners, to his late Majesty (of happy memory) in the year 1677, humbly showed that your petitioners' [land] had been entered upon, and held out of the possession of great part of their said land by divers persons, and thereupon his Majesty was graciously pleased to grant a special assize for the hearing of the said complaints, which accordingly sat at Providence, in the same year, and upon hearing gave judgment for the said Harris and partners, in five actions, and made report to his said Majesty thereof, for his final determination thereon.

That Major John Greene, of Warwick (one of the Defendants, and a great oppressor of your petitioners, partly by entering on your petitioners' lands and abetting others in so doing, and partly by a forged or falsified deed for the same), posted to Whitehall, and in the absence of the said Harris, by false suggestions obtained a stay of execution on the second verdict; but upon the said Harris's arrival in England and true representation of the matter, his Majesty ordered execution in the first and three last judgments, and a rehearing of the second; but so it is that the said Major Greene and accomplices, by collusion with the officer appointed by the government of Rhode Island to deliver possession, and other ill designs and practices, hath rendered his Majesty's gracious commands ineffectual; and the said Harris in going the third time to his Majesty to carry your petitioners' complaints against the said Greene and accomplices, was captivated by the Algereens and soon after died; and so your petitioners remaining under great oppression and injury, are still held out of the possession of their said lands.

That your petitioners being informed that the said Major Greene is gone to attend your Majesty, have just cause to fear, that according to his usual practices, he will misrepresent his own proceedings, and your petitioners' pretensions and right.

Your petitioners most humbly pray your Majesty to give special order and command, that the said Greene's complaints and suggestions to your Majesty or any of your Ministers of Justice, may together with your petitioners' cases be referred to to the examination of your Generall Governor and Councill of your territory and dominion of New England, or other competent Judges, for a full and finall hearing and determination, that so your petitioners may by your Majesty's grace and justice be delivered from their long oppressions and restored to their right.

And your petitioners as in duty bound, shall ever pray.*

NATHANIEL THOMAS, Attorney to the said Proprietors.

* J. Carter Brown's Manuscripts, Nos. 221-22, Vol. IV.

THE ADMINISTRATION OF SIR EDMUND ANDROS.

[THE preceding documents show that a political crisis was approaching in Rhode Island, which must soon reach its height. The Narragansett Country had been included in the Commission to Col. Dudley, and was virtually annexed to Massachusetts Colony. The so called "articles of high misdemeanor exhibited" by Edward Randolph, against Rhode Island, "accusing the people of breaches of their Charter, and of opposition to the acts of navigation," received the attention of the Lords of the Committee for Trade and Foreign Plantations, who recommended that a writ of Quo Warranto should be issued against Rhode Island, its "Charter vacated, and the Colony united under his Majesty's laws and government." The charges were referred to Sawyer, the Attorney General in July; the order in Council was granted for the writ, on the 6th of October, 1685, and was brought to Rhode Island by Randolph on the 22d of June, 1686. The Governor summoned the people to meet on the 29th June, when, as it will appear, they very wisely voted not to "stand suit with his Majesty, but to proceed, by humble address to his Majesty to continue their privileges and liberties according to the Charter."

On the receipt of the writ of Quo Warranto, an address was sent from the General Assembly to the King, "humbly prostrating themselves, and their privileges at the feet of his gracious Majesty, with an entire resolution to serve him with faithful hearts. Addresses were also sent him by some of the inhabitants, and another from the Friends.

This address was no sooner received, than it was ordered by the Committee of the Colonies, and approved by the King, "That Sir Edmund Andros, the Governor of Massachusetts, shall demand the surrender of their Charter, and govern them as other colonies of New England; that prince assuring them of his protection, and of his determination to extend no other rule of administration over them, than over the neighboring plantations."*

Sir Edmund Andros was commissioned by James the Second, as Governor of Massachusetts Bay, New Plymouth, New Hampshire, Maine and the Narragansett Country, or King's Province, on the 3d of June, 1686, and arrived in Boston on the 20th of December following. On the 12th of January, 1686-7, the commission was published in Rhode Island, when Sir Edmund, agreeably to his orders, dissolved the government, broke the seal of the Charter, reduced the Colony to a single county, and admitted seven of its inhabitants into his legislative council. These were Walter Clark, John Greene, Richard Arnold, Richard Smith, John Sanford, Walter Newbury, and John Coggeshall; all of whom do not appear to have served. His commission appears at length among the documents which follow.† The minute in-

* Chalmers' Political Annals, p. 278. Callender's Hist. Disc. † Ibid. p. 279.

structions to Sir Edmund which follow the commission in this volume, bear the date of April the 16th, 1688, and accompanied his second commission, which extended his government over the province of New York, Rhode Island, Connecticut and the other English colonies in America.*

From this period, the colonial government was completely subverted by Sir Edmund Andros. The General Assembly ceased to hold its sessions, nor did it again assemble during his administration. Rhode Island was then virtually but a single county in the wide dominion over which his authority extended; and the only records of the transactions of the period, are found in the records of the Courts. It appears by the letters to the government from Andros, and Secretary Randolph, that the official proceedings of the Council were sent to England; but it does not appear that they are to be found in the State Paper Office.

To preserve as much as possible of the history of this interesting period in our colonial history, and to fill the vacuum that would otherwise exist, the records of the Court of Quarter Sessions and Court of Common Pleas for the years 1687 and 1688 have been printed here. A few documents and papers of interest, which tend to elucidate the administration of Sir Edmund, are also inserted in the order of their dates.

When the revolution in England put an end to the power of Andros, he and his Council were seized by the people of Boston, and thrown into prison. The particulars of these transactions are given in the papers which follow, all of which go to complete the history of the "Usurpation," as it is called, of Sir Edmund Andros.

In May, 1689, the General Assembly again assembled at Newport, and agreed "that since Sir Edmund Andros was seized and confined with others of his Council [at Boston], and his authority silenced and deposed, it was their duty to lay hold on their former Charter privileges; and avowedly professing all allegiance to the crown of England, they replaced all the general officers that had been removed three years before.

In commenting on this assumption of their government once more, Mr. Chalmers says, "they probably reflected, that an act, which was extorted by terror, might justly be recalled when restraint no longer remained. But, unless it could be proved, that the whole proceeding was either irregular or illegal, their subsequent administration, without the formal assent of the sovereign state, must be considered, in notion of law, as mere usurpation."—*Political Annals*, p. 279.

* Two years later (April 7, 1688), the King sent a new commission to Andros, which is printed at length in the documents relative to the Colonial History of the State of New York, vol. 3, p. 537, in which it is stated, that since the issuing of the forenamed commission of June, 1686, it had been thought "necessary for the service and for the better security of the King's subjects in those parts, to join and annex to the said government the neighboring colonies of Rhode Island, Connecticut, the province of New York, of East and West New Jersey," etc. This second commission is not inserted here, as the "Instructions" which follow, are deemed sufficient.

Commission to Sir Edmund Andros.

James the Second, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our trusty and well beloved Sir Edmund Andros, Knight, greeting :

Whereas, the government of that part of our territory and dominion of New England, hereafter mentioned, is now in our hands, and being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner, for their security and welfare ; we therefore, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Sir Edmund Andros, out of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said Sir Edmund Andros, to be our Captain General, and Governor in Chief in and over all that our territory and dominion of New England, in America, commonly called or known by the name of our Colony of the Massachusetts Bay, our Colony of New Plymouth, and our Provinces of New Hampshire and Maine, the Narragansett Country, otherwise called the King's Province, with all the Islands, rights and members to the said Colonies and territories in any wise appertaining. And for your better guidance and direction, we do hereby require and command you to do and execute all things in due manner, that shall belong to the said office, and the trust we have reposed in you, according to the several powers, instructions, and authorities mentioned in these presents, or such further powers, instructions and authorities, as you shall herewith receive, or which shall at any time hereafter be granted or appointed you, under our Signet or Sign manual, or by order in our Privy Council, and according to such reasonable laws and statutes as are now in force, or such others as shall be hereafter made and established within that our territory and dominion aforesaid. And our will and pleasure is, that you, the said Sir Edmund Andros, having (after your arrival in New England, and publication of these our Letters Patents) first taken the oath of allegiance, together with the oath of duly executing the office of our Captain General and Governor in chief of our said territory and dominion (which our Council there, or any three of them, are hereby required, authorized and empowered to give and administer unto you), you shall administer unto each of the members of our Council, as well the oath of allegiance, as the oath of the due execution of their places and trust. And we do hereby give and grant unto you full power and authority, to suspend any member of our Council, from sitting, voting and assisting therein, as you shall find just cause for your so doing. And if it shall hereafter at any time happen, that by the death, departure out of our said territory, or suspension of any of our Councillors, or that otherwise there shall be a vacancy in our said Council (any five whereof we do hereby appoint to be a quorum), our will and pleasure is, that you signify the same unto us by the first opportunity, that we may, under our Signet and Sign manual, constitute and appoint others in their room : but that our affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there are less than seven of them residing upon the place, we do hereby give and grant unto you, full power and authority, to choose as many persons out of the principal inhabitants thereof, as will make up the full number of our Council to be seven, and no more ; which persons, by virtue of such choice, shall be to all intents and pur-

poses, our Councillors within our said territory, until they be confirmed by us, or that by the nomination of others by us, under our Sign manual and Signet, the said Council shall have seven persons in it. And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council, or the major part of them, to make, constitute, and ordain laws, statutes and ordinances, for the public peace, welfare and good government of our said territory and dominion, and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances, are to be as near as conveniently may be, agreeable to the laws and statutes of this our kingdom of England. Provided, that all such laws, statutes and ordinances, of what nature or duration soever, be within three months, or sooner, after the making of the same, transmitted unto us under our seal of New England, for our allowance or disapprobation of them; as also duplicates thereof by the next conveyance. And we do by these presents give and grant unto you, full power and authority, by and with the advice and consent of our said Council, or the major part of them, to impose and assess, and raise and levy such rates and taxes, as you shall find necessary for the support of the government within our territory and dominion of New England, to be collected and levied, and to be employed to the uses aforesaid, in such manner as to you and our said Council, or the major part of them, shall seem most equal and reasonable. And for the better supporting the charge of the government of our said territory and dominion, our will and pleasure is, and we do by these presents authorize and require you, the said Sir Edmund Andros, and our said Council, to continue such taxes and impositions as are now laid and imposed upon the inhabitants thereof, and to levy and distribute, or cause the same to be levied and distributed to those ends, in the best and most equal manner, until you shall, by and with the advice and consent of our Council, agree on, and settle such other taxes, as shall be sufficient for the support of our government thereof, which are to be applied to that use and no other. And our further will and pleasure is, that all public money raised or to be raised or appointed for the support of the government within our said territory and dominion, be issued out by warrant or order from you, by and with the advice and consent of our Council, as aforesaid. And our will and pleasure is, that you shall and may keep and use our Seal appointed or to be appointed by us for our said territory and dominion. And we do further give and grant unto you, the said Sir Edmund Andros, full power and authority, from time to time, at any time hereafter, by yourself, or by any other to be authorized by you, in that behalf, to administer and give the oath of allegiance now established within this our realm of England, to all and every such person as you shall think fit, or such as shall at any time or times pass into our said territory, or shall be resident or abiding there. And we do by these presents ordain, constitute and appoint our Governor and Council of our said territory and dominion for the time being, to be a constant and settled Court of Record for the administration of justice to all our subjects inhabiting within our said territory and dominion, in all causes as well civil as criminal, with full power and authority to hold pleas in all cases from time to time, as well in pleas for the Crown, and in all matters relating to the conservation of the peace, and punishment of offenders, as in civil causes or actions between party and party, or between us and any of our subjects there, whether the same do concern the realty, and relate to any right of freehold and inheritance, or whether the same do concern the personality, and relate to matter of debt, contract, damage, or other personal injury: and also in all mixed

actions, which may concern both realty and personalty ; and thereafter due and orderly proceeding and deliberate hearing of both sides, to give judgment, and to award execution, as well in criminal as in civil cases, as aforesaid : so always, that the forms of proceedings in such cases, and the judgments thereupon to be given, be as consonant and agreeable to the laws and statutes of this our realm of England, as the present state and condition of our subjects, inhabiting within our said territory and dominion, and circumstances of the place will admit. And we do further, hereby give and grant unto you, full power and authority, with the advice and consent of our said Council, to erect, constitute and establish, such and so many Courts of Judicature and public justice within our said territory and dominion, as you and they shall think fit and necessary for the determination of all causes, as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees and privileges, belonging unto them ; as also to appoint and commissionate fit persons in the several parts of our said territory, to administer the oath of allegiance unto such as shall be obliged to take the same. And we do hereby grant unto you full power and authority, to constitute and appoint Judges, and in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and all other necessary officers and ministers within our said territory, for the better administration of justice, and putting the laws in execution ; and to administer such oath and oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And our further will and pleasure is, and we do hereby declare, that all actings and proceedings at law or equity, heretofore had or done, or now depending within any of the Courts of our said territory, and all executions thereupon, be hereby confirmed and continued, so far forth as not to be avoided for want or defect of any legal power in the said Courts ; but that all and every such judicial actings, proceedings and executions, shall be of the same force, effect, and virtue, as if such Courts had acted by a just and legal authority. And we do further by these presents will and require you, to permit appeals to be made, in cases of error, from our Courts in our said territory and dominion of New England, unto our Governor and Council in civil causes ; provided the value appealed for, do exceed the sum of one hundred pounds sterling, and that security be first duly given by the appellant, to answer such charges as shall be awarded in case the first sentence shall be affirmed. And whereas we judge it necessary, that all our subjects may have liberty to appeal to our Royal person, in cases that may require the same, our will and pleasure is, that if either party shall not rest satisfied with the judgment or sentence of our Governor and Council, they may then appeal unto us in our Privy Council, provided the matter in difference exceed the real value and sum of three hundred pounds sterling ; and that such appeal be made within one fortnight after sentence ; and that security be likewise given by the appellant, to answer such charges as shall be awarded in case the sentence of the Governor and Council shall be confirmed, and provided also, that execution be not suspended by reason of any such appeal unto us. And we do hereby give and grant unto you, full power and authority, where you shall see cause, and shall judge any offender or offenders in capital and criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit such fines and forfeitures (treasons and wilful murder only excepted). In which cases, you shall likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until, and to the intent our pleasure may be fur-

ther known. And we do hereby give and grant unto you, the said Sir Edmund Andros, by yourself, your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command, or employ all persons whatsoever, residing within our said territory and dominion of New England, and as occasion shall serve them, to transfer from one place to another, for the resisting, and withstanding all enemies, pirates and rebels, both at land and sea, and to transfer such forces to any of our plantations in America, as occasion shall require, for the defence of the same, against the invasion or attempts of any of our enemies, and them, if occasion shall require, to pursue and prosecute, in or out of the limits of our said territory and plantations, or any of them; and, if it shall so please God, them to vanquish, and being taken, either according to the law of arms, to put to death, or to keep and reserve alive at your discretion: as also to execute martial law in time of invasion, insurrection, or war, and during the continuance of the same, and upon souldiers in pay; and to do and execute all and every other thing which to a Captain General doth, or ought of right to belong, as fully and amply as any our Captain General doth, or hath usually done. And we do hereby give and grant unto you, full power and authority, to erect, raise and build, within our said territory and dominion aforesaid, such and so many forms, platforms, castles, cities, burroughs, towns and fortifications, as you shall judge necessary; and the same, or any of them, to fortify and furnish with ordinance, ammunition, and all sorts of arms fit and necessary for the security and defence of our said territory; and the same again, or any of them, to demolish or dismantle, as may be most convenient. And we do hereby give and grant unto you, the said Sir Edmund Andros, full power and authority, to erect one or more Court or Courts Admiral, within our said territory and dominion, for the hearing and determining of all marine and other causes and matters proper therein to be heard and determined, with all reasonable and necessary powers, authorities, fees and privileges. And you are to execute all powers belonging to the place and office of Vice Admiral of and in all the seas and coasts about your government, according to such commission, authority and instructions, as you shall receive from ourself under the seal of our admiralty, or from our High Admiral of our plantations, for the time being. And forasmuch as divers mutinies and disorders do happen by persons shipped and employed at sea, and to the end that such as shall be shipped or employed at sea, may be the better governed and ordered; we do hereby give and grant unto you, the said Sir Edmund Andros, our Captain General and Governor in Chief, full power and authority to constitute and appoint captains, masters of ships and other commanders, and to grant unto such captains, masters of ships and other commanders, commissions to execute the law martial, and to use such proceedings, authorities, punishments, correction and execution, upon any offender or offenders, that shall be mutinous, seditious, disorderly, or any way unruly, either at sea, or during the time of their abode or residence in any of the ports, harbors or bays of our said territory and dominion, as the cause shall be found to require, according to martial law. Provided, that nothing herein contained, shall be construed to the enabling you, or any by your authority, to hold plea or have jurisdiction of any offence, cause, matter or thing, committed or done upon the seas, or within any of the havens, rivers or creeks, of our said territory and dominion under your government, by any captain, commander, lieutenant, master, or other officer, seaman, souldier, or person whatsoever, who shall be in actual service and pay, in and on board any of ships of war, or other vessels acting by immediate commission or warrant from our-

self, under seal of our Admiralty, or from our High Admiral of the time being; but that such captain, commander, lieutenant, master, officer, seaman, souldier, and other person so offending, shall be left to be proceeded against and tried, as the merit of their offences shall require, either by commission under our great seal of England, as the statute of the twenty-eighth of Henry the Eighth directs, or by Commissioners from our High Court of Admiralty, according to the act of Parliament, passed in the thirteenth year of the reign of the late King, our most dear and most entirely beloved brother of ever blessed memory, entitled an act for the establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea, and not otherwise: saving only, that it shall and may be lawful for you, upon any such captain or commanders refusing or neglecting to execute, or upon his negligence or undue execution of any of the written orders he shall receive from you, for our service, and the service of our said territory and dominion, to suspend him the said captain or commander, from the exercise of his said office of commander, and commit him into safe custody, either on board his own ship, or elsewhere, at the discretion of you, in order to his being brought to answer for the same, by Commission either under our great seal of England, or from our said High Admiral, as is before expressed: in which case our will and pleasure is, that the captain or commander so by you suspended, shall during such his suspension and commitment, be succeeded in his said office by such Commission, or Warrant Officer of our said ship, appointed by ourself or our High Admiral of England, for the time being, as by the known practice and discipline of our navy doth and ought next to succeed him, as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships, and not otherwise; you standing also accountable to us, for the truth and importance of the crimes and misdemeanors, for which you shall so proceed to the suspending of such, our said captain and commander. Provided, that all disorders and misdemeanors committed on shore by any captain, lieutenant, master or other officer, seaman, souldier, or person whatsoever, belonging to any of our ships of war, or other vessels acting by immediate commission or warrant from ourself under the seal of our Admiralty, or from our High Admiral of England, for the time being, may be tried and punished according to the laws of the place, where any such disorders, offences and misdemeanors shall be so committed on shore, notwithstanding such offender be in our actual service, and born in our pay on board any such our ships of war, or other vessels acting by immediate commission or warrant from ourself or our High Admiral as aforesaid: so as he shall not receive any protection for the avoiding of justice, for such offences committed on shore, from any pretence of his being employed in our service at sea. And we do likewise give and grant unto you, full power and authority, by and with the advice and consent of our said Council, to agree with the planters and inhabitants of our said territory and dominion, concerning such lands, tenements and hereditaments, as now are, or hereafter shall be in our power to dispose of; and them to grant unto any person or person for such terms, and under such moderate quit-rents, services and acknowledgments, thereupon to be reserved unto us, as shall be appointed by us; which said grants are to pass and be sealed by our seal of New Engiand, and (being entered upon record, by such officer and officerrrs as you shall appoint thereunto), shall be good and effectual in law against us, our heirs and successors. And we give you full power and authority, to appoint so many fairs, marts and markets, as you, with

the advice of our said Council, shall think fit: as likewise to order and appoint within our said territory, such and so many ports, harbors, bays, havens and other places, for the convenience and security of shipping, and for the better loading and unloading of goods and merchandizes, as by you with the advice and consent of our Council, shall be thought fit and necessary; and in them or any of them, to erect, nominate and appoint, custom houses, ware houses, and officers relating thereunto; and them to alter, change, place or displace from time to time, as with the advice aforesaid, shall be thought fit. And above all things, we do by these presents will, require and command you, to take all possible care for the discountenance of vice and encouragement of virtue and good living, that by such example, the infidels may be invited, and desire to partake of the Christian religion. And for the greater ease and satisfaction of our loving subjects in matters of religion, we do hereby will and require, and command, that liberty of conscience be allowed to all persons, and that such especially as shall be conformable to the rites of the Church of England, be particularly countenanced and encouraged. And forasmuch as, pursuant to the laws and customs of our Colony of the Massachusetts Bay, and of our other Colonies and Provinces aforementioned, divers marriages have been made and performed by the magistrates of our said territory, our Royal will and pleasure is, hereby to confirm all the said marriages, and to direct, that they be held good and valid in the same manner to all intents and purposes whatsoever, as if they had been made and contracted according to the laws established within our kingdom of England. And we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said territory and dominion, to be obedient aiding and assisting to you, the said Sir Edmund Andros, in the execution of this our Commission, and of the powers and authorities herein mentioned; and upon your death, or absence out of our said territory, unto the Commander in chief: to whom we do therefore by these presents, give and grant all and singular, the powers and authorities aforesaid, to be exercised and enjoyed by him during our pleasure, or until your arrival within our said territory and dominion; and, if in case of such death or absence, there be no person upon the place appointed by us, to be Commander in chief; our will and pleasure is, that the then present Council of our territory aforesaid, do take upon them the administration of the government, and execute this Commission, and the several powers and authorities herein contained; and that the first Councillor, who shall be at the time of your death or absence, residing within the same, do preside in our said Council, with such powers and [preheminences] as any former President hath used and enjoyed within our said territory, or any other our plantations in America, until our pleasure be further known, or your arrival as aforesaid. And lastly, our will and pleasure is, that our Commission bearing date the seven-and-twentieth day of September, in the first year of our reign, constituting our trusty and well beloved Joseph Dudley, Simon Bradstreet, and William Stoughton, Esq's, and others, to be our President and Council of our territory and dominion of New England, do, from the publication of these presents, cease and become void. And that you, the said Sir Edmund Andros, shall and may hold, execute and enjoy, the office and place of our Captain General and Governor in Chief in and over our territory and dominion aforesaid, with all its rights, members and appurtenances whatsoever; together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure.

In witness whereof, we have caused these our letters to be made patents. Wit-

ness ourself at Westminster, the 3d day of June, in the second year of our reign.*

Per bre de Privato Sigillo.

BARKER.

Instructions to Andros concerning the Charter of Rhode Island.

JAMES R.

Additional powers and instructions for our trusty and well beloved Sir Edmund Andros, Knight, our Captain General and Governor in Chief in and over our territory and dominion in New England, in America, given at our Court at Windsor, this 13th day of September, in the second year of our reign, 1686.

Whereas, we have been presented with the humble address of our Governor and Company of our Collony of Rhode Island and Providence Plantation, within our territory and dominion of New England, bearing date the 3d day of June of last, wherein they take notice of our writ of Quo Warranto against their Charter, and thereupon declaring their resolution not to stand suit with us, have submitted themselves and their Charter to our Royal determination. Our will and pleasure is, and we do hereby authorize and empower you, upon your arrival in those parts, to demand, in our name, the surrender of their said Charter into your hands, in pursuance of their said declaration and address, and, taking our said Collony of Rhode Island and Providence Plantation under your government, to exercise the like powers and authorities in reference to the same, as we have given and granted unto you by our commission under the great seal of England, for the government of other Collonies, within our said territory and dominion of New England, assuring our good subjects of our Collony and Plantation aforesaid, of our Royal countenance and protection in all things, wherein our service and their welfare shall be concerned, and giving us by the first opportunity, an account of their behaviour and of your proceedings in obedience to these our commands. And, in case it shall happen, that upon the like writ of Quo Warranto, issued against the Charter of our Government and Company of our Collony of Connecticut, they shall be induced to make surrender of their Charter, our will and pleasure is, and we do hereby authorize and empower you in our name, to receive such surrender, and to take our said Collony of Connecticut under your government, in the same manner as before expressed. By his Majesty's command.†

SUNDERLAND P.

September 13, 1686.

Order for the first meeting of Andros's Council.

Sir: His Excellency, Sir Edmund Andros, Knight, Captain General and Governor in Chief, arrived here yesterday, at which time his Majesty's commission, bearing date the 3d of June last, was published, his Excellency has appointed a General Council, to be holden here on Thursday the 30th of this instant, December, and directed me to acquaint all the members thereof, that they may be present accordingly. His Excellency presents his humble service to you, and would be glad to see you at Boston ‡

I am, Sir, your humble servant,

EDWARD RANDOLPH.

* James the Second began to reign February 6, 1684-5, so that the date of this Commission is June 3d, 1686.—*Mass. Hist. Coll., 3d Series, Vol. VII., p. 139.*

† *Mass. Hist. Col. Vol. VII., p. 162.* ‡ *Do. p. 166.*

Letter of Andros to Rhode Island, concerning Rhode Island Charter.

Boston, December 22, 1686.

Sir : This is to acquaint you, that I arrived yesterday, at which time his Majesty's Commission, bearing date at Windsor, the 3d day of June last, in the second year of his reign, appointed me Captain General and Governor in Chief of his territory and dominion of New England, and his Majesty having, upon the address and submission of the Charter, accepted thereof, hath commanded and authorized me upon my arrival in these parts, to demand in his Majesty's name, the actual surrender of the said Charter, and to take the Colony of Rhode Island and Providence Plantation into my care, as part of the government, and to assure his good subjects in your parts of his Majesty's countenance and protection in all things, in which his Majesty's service and your welfare shall be concerned, and hath constituted and appointed you, Walter Clark, Jo. Sanford, John Coggeshall, Walter Newbury, John Greene, Richard Arnold, and John Alborough, Esq's, to be members of the Council for the said government. And I, having appointed a general Council to be held in this place on Thursday, the 30th of this instant December, you are to communicate this to the above named members of the Council, and, together with them, to give your attendance for his Majesty and country's service as above.

I am your very affectionate friend, and desiring to hear from you in the mean time.

Letter to Walter Clark, Governor of Rhode Island.

Boston, 22d December, 1686.

Sir : This is to acquaint you that his Majesty having been pleased to send me to the government of New England, of which you are a part, I arrived here the 20th instant, where I found all very well disposed to his Majesty's service : and his Majesty's letter patent to me for the said government, being then published, were received with suitable demonstrations.

I am commanded and authorized by his Majesty, at my arrival in these parts, to receive in his name the surrender of the Charter, if tendered by you, and to take you into my present care and charge, as other parts of the government, assuring his Majesty's good subjects of his countenance and protection in all things relating to his service and their welfare.

I have only to add, that I shall be ready and glad to do my duty accordingly, and therefore desire to hear from you as soon as may be, and remain

Your very affectionate friend,

E. ANDROS.

Petition of Richard Smith to Andros.

December 22, 1686.

The humble petition of Richard Smith, of Rochester, within the Narragansett country, humbly sheweth :

That there having been long hanging in contest and suit between some of the inhabitants of Rhode Island and your petitioner, a claim and pretence of title made

by them, unto a small Island lying near the town of Bristol, commonly called Hog Island, alias Chesawanoeh, which your petitioner many years since purchased of the Indian natives, and had confirmation thereof from the General Court of New Plymouth. But of later time hath been forcibly kept out, and interrupted in his peaceable possession and improvement thereof, by the Rhode Islanders, from which tiresome contest and unjust molestation, your petitioner hopeth, by your Excellency's happy access to the government, speedily to be relieved, and to have a just and final issue put thereto.

Meeting of the First Council of Andros.

At a Council held in Boston, New England, on Thursday, December 30th, 1686.
Present,

His Excellency, Sir Edmund Andros, Knight, Governor.	
Joseph Dudley,	Richard Wharton,
Thomas Hinckley,	Edward Tyng,
Wait Winthrop,	Jonathan Tyng,
Jno. Usher,	William Bradford,
Barnaby Lathrop,	Daniel Smith,
John Walley,	Nathaniel Clark,
*John Coggeshall,	*Walter Newbury,
*Richard Arnold,	*John Alborough,
*Walter Clark,	Edward Randolph, Secretary.
William Stoughton,	

Upon opening of the Council, his Excellency commanded the members to be called over by their names, and take their places, as set down in certain articles of instruction from his Majesty, to his Excellency the Governor.

The members of the Council, being accordingly seated, his Majesty's commission for government of this his territory and dominion of New England, was read, and also, the instructions under his Majesty's sign Manual, empowering his Excellency to receive the Charter of Rhode Island and Providence Plantation, was likewise read.

His Excellency proceeded to administer the oath of allegiance, and the oath, also, for the due administration of justice, and commanded such persons of the Council, as had not already taken the oaths, to stand up and answer to their names, viz.: Thomas Hinckley, Walter Clark,* Barnaby Lathrop, William Bradford, Daniel Smith, Jno. Walley, Nathaniel Clark, John Coggeshall, Walter Newbury, Richard Arnold, and John Alborough, who (all of them), Walter Clark and Walter Newbury excepted, did take the oaths, and showed assent thereto, by holding up their right hands.

Walter Clarke and Walter Newbury, gave also their express consent to the oath of allegiance, and the oath for the administration of justice in the government, according as directed in his Majesty's late commission to the President and Council,

* Members from Rhode Island. Walter Clark's name, although not in this copy of the minutes, appears in another copy, printed in the VIIIth volume of the Mass. Hist. Coll. 2d series, p. 182.

professing themselves obliged in all good conscience before God so to do, and that, under the utmost penalties of perjury in all respects, the members of the Council being severally asked their opinion, did allow of their protestation. His Excellency in a short discourse, encouraged the members to freedom in debates. Walter Clark and Walter Newbury, acknowledge the surrender of the Charter made to his Majesty, at Windsor, but fearing that surrender was not effectual for avoiding all mistakes, they had presented another humble address to his Majesty, under the public seal of their Colony, and had sent over agents to pray his Majesty's favor towards them, and W. Clark further added, the Charter of Rhode Island was in his custody at Newport.

It was moved, that a Proclamation should be made through all the Colonies and Provinces of this government, that all officers both civil and military, should be continued in their places of trust, and that the laws not repugnant to the laws of England in the several Colonies, should be, and observed during his Excellency's pleasure.

Ordered, That the Proclamation be drawn up and presented to his Excellency in Council, to-morrow, by nine of the clock, in the morning.

On Friday, John Fitz Winthrop and John Jenks took their seats, as members of the preceding Council.*

Petition of John Greene to the King.

To the King's Most Excellent Majesty, James the Second. The humble petition of your Majesty's most humble subject and supplicant, John Greene, in behalf of the respective towns and places in your Majesty's Collony of Rhode Island and Providence Plantations, in New England, humbly sheweth :

That before your petitioner came from New England hither, with the said Collony's address, one Mr. Richard Wharton, with his associates, Capt'n Elisha Hutchinson, Mr. John Saffin, Capt'n Richard Smith, and Capt'n John Brown, had given interruption to severall towns within the limits of your Majesty's Collony and King's Province.

That since your petitioner's arrival here, I have received a letter from your Majesty's town of Warwick, in the Collony aforesaid, bearing date October the 9th, 1686, wherein they declare that the said Capt'n Brown still persists to interrupt them in their lands as well as the lands belonging to the town of Providence, but your petitioner doth the less admire at their boldness by interchanging on us your Majesty's subjects being they are so bold to endeavor to deprive your Majesty of your interest in the Narragansett and Niantick countries, called the King's Province. Your humble petitioner must needs acknowledge your Majesty's grace and favor to us in sending over his Honor, Sir Edmund Andros, Governor over us, being a person of good repute, and uninterested in the respective claimes, and by whom, next under your Majesty, we have great hopes to have justice done us, as in him layeth. Your petitioner humbly prayeth your Majesty for some speedy relieve herein, either by committing the care thereof by your Royal letters to your Honored Governor, Sir Edmund Andros, or what other way your Majesty in your

* Mass. Hist. Coll. Vol. VII. pp. 162, 164, 166, and Vol. VIII. p. 180.

great wisdom shall see most meet, whereby your Majesty's subjects enjoying their own in peace, may be the better enabled to serve your Majesty. And your petitioner shall always pray for your Majesty's good success and long and prosperous reign.*

Your most humble petitioner,

JOHN GREENE

January the —, 1686-7.

Petition from Bristol to be excused from Tax Rate.

May it please your Excellency: Whereas, a warrant from the Treasurer has come to us, and another to the Constable, for a single country rate of one penny in the pound, to his Majesty for support of government, to be assessed and levied on our inhabitants, as per said warrant more fully expressed:—

We humbly offer to your consideration, this small isthmus or neck of land, on which our town is now settling, was purchased not long since by some of us, at a very dear rate, being a little spot, wanting many advantages of other plantations, our neighbors, of which our first purchasers and the Committee, appointed for the sale thereof, were very sensible. Our purchasers having therefore paid a considerable sum of money, and under strict obligation to settle a town in a short time, and so necessarily to conflict with many and great charges, and unavoidable difficulties, the ordinary and sure concomitants of young plantations, on these considerations, and to encourage us in our beginning, the aforesaid Committee by the order, and having the approbation of the General Court of New Plymouth, sold and warranted unto us, as far as they could, some privileges, of which this was one, and not the last, viz.: that we should be exempted from all public country rates, charges, levies or assessments for seven years, it being an exemption or privilege usual to be given, though by us bought, at the first settling of towns, which term is not yet expired, something more than a year yet to come. Sir, we humbly hope for, and beg your ratification of these our purchased privileges. Be pleased to look upon us, as we are, a poor, infantine place, struggling with many difficulties and discouragements, not only wanting your favor in this particular affair, but further begging your Excellency's benign goodness and gracious encouragement to be extended to us, as your wisdom shall direct for our increase, and that our plantation, though small at present, may grow up and thrive under the happy cherishing and enlivening influence of your good government. Sir, we dare not further trouble you at present, but humbly beg pardon for these rude lines, which we justly fear [will] divert you from much more weighty affairs.†

Your Excellency's unworthy servants,

BENJAMIN CHURCH,

JOHN RODGERS,

THOMAS WALKER,

Selectmen for the town of Bristol.

Bristol, New England, February 18, 1686-7.

* J. Carter Brown's Manuscripts, No 213, Vol. IV.

† Mass. Hist. Col. Vol. VII., p. 171.

Sir Edmund Andros to Lord Sunderland.

Boston, in New England, the 30th March, 1687.

May it please your Lordships: Upon my arrival and reception here, having signified his Majesty's commands to New Plymouth and Rhode Island Colonys, and the Council summoned to meet the 30th of December, they readily complied and attended here accordingly, were all sworn and entered on business, and so proceeded as far as the severe winter weather and short warning for it would admit their sitting, and the General Council met again as adjourned the latter end of February; an account whereof, proceedings and acts passed, is prepared by Mr. Randolph, to be presented to your Lordships.

I have settled the militia and Commission of the Peace, in all parts of the government, and taken care that the Acts of Trade and Plantations be duly observed; some principal ports, being only allowed, in which officers, where all ships and vessels must enter and clear, and in no other port or place.

Connecticut has not yet submitted, notwithstanding another writ served upon them, and signification of his Majesty's pleasure and command to me for them, and their pretended loyalty and readiness to obey, acted the contrary, but have convened another Assembly and General Court, to meet again this day about it at Hartford.

The Act of Revenue, will not be sufficient to defray the ordinary charge of the government without Connecticut, but was all found to have been imposed a't was directed.

This country has sustained lately very great losses, by the Indian war, two great fevers in this town of Boston. some disasters at sea, and all their wheat blasted many years together, and are generally but poor; their fishery and lumber, their chiefest trade and support, and that wholly supplied by Connecticut, from whence all their wheat and much other grain and provisions, and without it cannot maintain their fishery and trade.

I have found here, and in several other places about eighty iron guns of all sorts most of the carriages bad, and few other materials, no magazines of powder or other stores of war, no store-houses or accommodation of lodging for officer or soldier, nor any good fortification, for such [are] very much wanted for his Majesty's service in this place.

The castle, on Castle Island, that commands the channel, hath four bastions, but very small and inconsiderable, the . . . interior, but towards the walls about ten foot high, and out of repair, and only guard rooms under the batterys of the curtains and a room over the gate.

The Indians in these parts, are very much diminished, and now none considerable, but a few Eastward, near Pemaquid, and towards the French.

The French settlements (our neighbors) in Nova Sootia are not many and far distant. Monsieur Perrott, the now French Governor, lives at Port Royal, on the other side of the Bay of Fundy.

Upon notice from Col. Dungan, I have sent an officer with a detachment of soldiers to receive Pemaquid, and keep a garrison in the fort there.

Here having been no place for the service of the Church of England, but in the Town-house, no ways convenient for it afore Easter (as advised and ordered in

Councill), send to desire the use of the South Meeting-house, in Boston, on Sundays, at 11 o'clock, in the morning, and four in the afternoon; and on Easter day had the Liturgy of the Church of England, a sermon and a sacrament administered there, and to continue so till otherways provided, as also for prayers on the week days as occasion.

I do here, as commanded, send your Lordships the names of twelve men, the best qualified for supplying vacancys, or be of the Council of which not many, nor knowing in the laws or methods of England. All which is humbly submitted by

Your Lordships' most obedient and humble servant,

E. ANDROS.

Sir Edmund Andros to Lord Sunderland.

Boston, in New England, 30th of March, 1687.

Right Honorable: Since my account to your Lordship of my arrival and reception in this place, the Colonys of New Plymouth and Rhode Island have dutifully complied, upon the signification of his Majesty's pleasure, and the several members of the Council from thence attended here accordingly.

I have settled the militia and commissions of the peace, and proceeded in other matters of publick import as far as the extremity of the winter would admit.

Connecticut Colony, notwithstanding another writ of Quo Warranto served, and my intimation of his Majesty's command for them, do not resolve to submit, though in their several letters they express themselves ready to obey if commanded, and without them, we are neither able to defray our publick charges, nor our fishery be maintained without provisions, and particularly wheat from thence.

I find many old iron guns in several places, bad carriages and appurtenances, no magazines or stores of war or store-houses or any tolerably good fortification; the Castle is well seated, but small, inconsiderable, never finished, and out of repair.

I have upon notice from Col Dungan, sent an officer and garrison, to relieve and receive the Fort of Pemaquid.

The French in Nova Scotia have few settlements; but Monsieur Perrott, the now Governor at Port Royal is very active; our fishing ketches fear being disturbed in fishery off that coast, where they find plenty of fish, when very this way.

I have directed Mr. Randolph to prepare the proceedings and acts passed in Council, which by this opportunity will be presented to your Lordship and Lords of the Committee. I likewise send your Lordship, as commanded, the names of twelve men, the most eminent and best qualified, to supply vacancys, or be of the Council here.

I humbly pray the continuance of your Lordship's favor, being sensible how much I want it in this difficult station and place, where none do and few care to understand (if they could help it) the laws or methods of England. I shall encourage and get the best men I can for his Majesty's service, and I hope to his Majesty's satisfaction, and remain,

Your Lordship's most obedient humble servant,*

E. ANDROS.

* J. Carter Brown's Manuscripts, Nos. 230, 231, Vol. IV.

Warrant to Survey the Land of Narragansett.

By his Excellency, Sir Edmund Andros :

To Mr. John Smith, Deputy Surveyor : You are with the first conveniency, to make a general survey and draft of the Narragansett country, or King's Province, and therein to observe and mark the several settlements, claims, and pretensions made by any person or persons to the same, or any part or parcells thereof, of which make return to me with all possible speed ; and for the so doing, this shall be your warrant. Dated at Boston, the 22d day of June, 1687.

By his Excell. command.*

JNO. WEST, D. Sec'ry.

Patent of Land in Narragansett granted to Richard Wharton.

A Pattent for three several parcells of Land, and a small Island in the King's Province, granted to Richard Wharton, Esq'r, containing seventeen hundred and twelve acres.

James the Second, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c., to all whom these presents shall come, greeting : Know ye, that of our special grace, we have given, granted, ratified, and confirmed, and by these presents do give, grant, ratify and confirm unto our trusty and loving subject Richard Wharton, Esq'r, of Boston, in our County of Suffolk, within our territory and dominion of New England, all that tract or parcel of land called and known by the name of Middlefield farm, lying and being in that part of our said territory and dominion called or known by the name of Narragansett or King's Province, upon a certain neck or point of land there called Namcock ; also Boston Neck, beginning at a marked white oak tree, standing at the south end of a small hill on the north side of the Mill river, and near the south end of the great Pond ; then running in length by a range of marked trees east fourteen degrees and an half, north ; five hundred and forty rod, to the south end of a small beach to a heap of stones, being the north-east corner ; and from thence in breadth by the Narragansett Bay, three hundred and five rods to a long stone set up upon the bank, being the south-east corner ; and from thence in length by a range of marked trees west three degrees north, five hundred and thirty rod, to a small white oak saplin, abutting upon the nothermost end of the northermost salt water Pond below the mill ; being the south-west corner ; the whole being bounded westerly by the aforesaid Pond, and the Mill river ; northerly by a range of marked trees, eastward by the Narragansett Bay, southerly by a range of marked trees, containing six hundred, sixty-and-one acres and a half. And also one other tract or parcel of land, now called by the name of Stoakeball Farm, being near adjacent to Boston Neck, aforesaid, bearing north six degrees west from the head of the Cove, below Mr. Coale's house, fifty-two rods, unto the line of said farm, which said line begins at the water side or harbor ; and from thence is extended west three degrees north, three hundred and twenty-three rods, by a range of stakes and marked trees unto a stack standing in a heap of

* Potter's Narragansett, p. 220.

stones on a plain, and from thence south-west two degrees and an half, westerly three hundred and sixty-three rods, to a stake standing in a heap of stones four rods west of a little round swamp; from thence in breadth northwest two hundred and thirty-four rods to a staking on a plain, near several small walnuts, then marked from thence north east forty-five minutes, northerly three hundred and thirty-four rods, to a stake standing on a plain; from thence east south-east seven degrees and a half, southerly fifty-two rods and three quarters, to a stake standing in a heap of stones; from thence north-east four degrees easterly one hundred and eighty rods unto Annocotuckett's river; and so by the said River and cove or harbor, unto the first station, containing eight hundred forty-and-four acres. Likewise a small neck of land, near to the before-mentioned land, called Middle Port Neck, beginning two rods westward of a great split rock, on the edge of a bank at the head of a cove called Duck Cove, and from thence extending a line south eight degrees west, across said neck, unto Annocotuckett river, crossing the west end of a piece of meadow about four rods in breadth, which joins to the said river, so bounded by the river, coves and harbor round to the first station at the head of Duck Cove, aforesaid, containing two hundred acres; together with a small Island called Foxes Island, bearing eastward from the said Neck distant one hundred and twenty rods, containing about seven acres, together with all and singular the messinage, tenements, edifices, buildings, trees, timber, underwoods, fields, feedings, pastures, moors, marshes, swamps, meadows, ponds, pools, lakes, streams, rivers, runs, rivulets, waters, and water-courses, fishing, fowling, hawking and hunting, with the privilege of building and erecting any mills thereon, or on any part thereof, and to make dams and all other privileges, immunities, profits, advantages, hereditaments, appurtenances, whatsoever, to the said several tracts or parcels of land, Island or premises belonging, or in anywise appertaining (excepting and always reserving out of this grant the liberty from time to time to make and appoint needful highways, paths, and roads, in and through the premises, or any part thereof, for the publick accommodation of travellers, and general good and benefit of our subjects inhabiting those parts. To have and to hold the said several tracts or parcels of land, Island, and premises, with their and every of their appurtenances (except before excepted) unto the said Richard Wharton, his heirs, and assigns, to the sole and only proper use and behoof of the said Richard Wharton, his heirs, and assigns for ever; yielding, rendering and paying therefor yearly and every year on the Feast of the Annunciation of the Blessed Virgin Mary, for ever unto us, our heirs, and successors, or unto our Captain Generall and Governor in Chief, for the time being, or to such other officer or officers, as by us, our heirs, and successors, as shall be from time to time empowered and appointed to receive the same, the annual rent or sum of ten shillings, current money in New England, aforesaid, in lieu and instead of all rents, services, dues, duties and demands whatsoever, for the said lands and premises. In testimony whereof, we have caused the great seal of our territory and dominion, aforesaid, to be hereunto affixed.

Witness, Sir Edmund Andros, our Captain General, and Governor in Chief of our said territory and dominion, at Boston, aforesaid, the 29th day of June, in the third year of our reign, &c. Anno Domini 1687. Passed by order in Council, the date hereof, per John West, D. Secretary, and recorded in the Secretary's office in Boston, for his Majesty's territory and dominion of New England, the 30th day of June, 1687.

Per JOHN WEST, D. Sec'ry.

Coginaquand's grant of Namcock Neck.

Know all men by these presents, that I, Coginaquand, Chief Sachem of Narragansett, in consideration of the great love and affection I do bear unto English men, especially Mr. John Winthrop, Governor of Connecticut, Major Humphrey Atherton, of Massachusetts, Rich'd Smith, Sen., and Rich'd Smith, Jun., of Cocumscosuck, traders; Lieftenant William Hudson, of Boston, Amos Richenson, of Boston, aforesaid, and John Tincker, of Nashua, trader, have given and granted, and do by these presents fully, clearly, voluntarily, absolutely, and effectually give, grant, confirm, and make over unto my said friends, one tract of land in my country of Narragansett, called by the name of Namcock Neck, be it more or less, Cocumscosutt Wannubecomecuck, otherwise called Anochetuckett, Pawsachacow, Wannuskechueke, Mattaasett, bounded by the brook called Cocumscosutt, on the north-east; from thence running upon a west line as far as Anochetuckett River, and from on a west line to the north-west of a pond called Pawsacacow; on the south-west bounded by a river called Matatuxsett, and so to the sea, or Petaquamscutt, bounded by the sea or water, on the south-east. To have and hold the said tract of land, together with the privilege of summer feed, for their cattle, making of hay in all meadows, swamps, and low grounds, without the said bounds to the northward, and north-west, to them the said Governor Winthrop, Major Atherton, or Richard and Richard Smith, Lieftenant William Hudson, Amos Richenson, John Tincker, their and every of their friends, their heirs and assigns, for ever; only except the lands in possession of and belonging already to Richard Smith, Sen'r, and Richard Smith, Jun'r, together with James Smith, which was their proper right, and is expressed by lease or grant before this grant, to be them, their heirs and assigns, for ever; except a neck formerly granted to Mr. Holden, all which track, neck or necks, forementioned, I the aforesaid Coginaquand, do give and make over all and singular this my foresaid land to these my foresaid friends, to have and to hold, their heirs and assigns, with all manner of rights, titles, and privileges thereunto belonging; and do promise to defend the same from any manner of challenge or claim whatsoever. And I, the foresaid Coginaquand, by this my deed of gift, seal and deliver before the witnesses hereafter mentioned, do ratify and confirm the same, and do promise the same to defend from all other persons laying claim to the same. Dated this 4th of July, 1687.*

The mark of **T** COGINAQUAND.

Signed, sealed, and delivered in presence of Nath. Greene, John Vial, Thomas Stanton, John Stanton, and John Farniside.

French Protestants in Narragansett.

By his Excellency:

Whereas complaint hath been made unto me by several of the French Protestants, settled in the Narragansett country, that John Swett, Joseph Reynolds, Henry

* J. Carter Brown's Manuscripts, Nos. 232, 233, Vol. IV.

Reynolds, Thomas Bray and several others, have of late, without right or lawful authority mowed the meadows lying near to their settlements, and have forcibly carried away the grass and hay from thence, by means whereof, they are left destitute of any hay or fodder for their cattle in winter, and if not relieved therein, it will be to their utter ruin. These are therefore to authorize and require you, to call before you the persons above named, and such others as you shall find have been concerned in mowing of the said meadow, and what right or title they or either of them have to the said meadow; and unless some particular grant shall be shown to you for the same, you are to cause the said grass or hay, cut off the said meadow, as aforesaid, or the like quantity, as can be found in the possession of those that cut the same, to be seized and secured, and forthwith to make report to me of your proceedings herein, that such further order may be given, as shall be thought necessary.

Dated at Boston, the 14th day of July, 1687.

To Captain John Fones, Justice of Peace, at King's Province.

By his Excellency :

Upon hearing and examining of the matter in difference between the towns of Greenwich alias Deptford, Kingston alias Rochester, and the French families, lately settled in the Narragansett country, about a parcel of meadow lying near the settlements and appointed for their accommodation; but cut and mowed by several persons of both the said towns, which appears to be done in a violent, forcible manner; and the hay cut thereupon, being likewise by my order secured and stacked, I do, therefore, for the accommodation of the said parties for the present, till the right thereto can be determined and settled, order and appoint, that all hay cut and made upon the said meadows, as aforesaid, be by the direction of any two Justices of the Peace, forthwith divided into two equal shares or moieties, and that one moiety thereof, be given for the use of John Nicholes, Gyles Pierce and George Vaughan, of Greenwich, aforesaid; and James Reynolds, James Reynolds, Jun'r, Henry Reynolds, Joseph Reynolds, Francis Reynolds, John Swett, William Bentley, John Andrew, and George Haven, of Kingston, share and share alike, who, I am informed live remote and are most wanting thereof. And the other moiety to be left for the use and benefit of the said French families there, who, being strangers, and lately settled, and wholly destitute, and have no other way to supply themselves. And all persons therein concerned, are to take notice hereof, and conform themselves thereunto accordingly, until further orders shall be given in said matter.

Dated at Boston, the 5th day of August, 1687.

To Major Richard Smith, and Captain Fones, Justice of the Peace, who are to see this order forthwith executed.*

Letter to Andros respecting Court Houses.

To his Excellency, Sir Edmund Andros, Captain Generall and Governor in Chief of his Majesty's Territory of New England. These present.

May it please your Excellency :

Sir : In pursuance of the directions to us given us by the Judges in the late As-

* Mass. Hist. Col. Vol. VII., p. 182.

sises at Newport, on Rhode Island, concerning our not having a convenient Court House, and our computation of the charges thereof, and our presentation thereof to your Excellency, and having in the Quarter Sessions computed the costs of two small houses for that use, suppose the charges thereof will be about one hundred and forty pounds; and also judge it convenient, that one of them be erected in the town of Newport, and the other in the town of Rochester; and humbly present the same to your Excellency for approbation and direction therein: and also nominate John Woodman of Newport, to be a fit person for a Treasurer of this Province, if your Excellency approve thereof. And remain your Excellency's most humble servants.*

FRANCIS BRINLEY,
PELEG SANFORD.

Newport, on Rhode Island, Dec. 15, 1687.

At the Generall Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name at Newport, on Rhode Island, Naragansett or King's Province, and Providence Plantations, the 14th day of June, 1687.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
Lieut. Collonell PELEG SANFORD,
Major RICHARD SMITH,
Capt'n JOHN FONES,
Mr. JOHN COGGESHALL,
Mr. CALEB CARR, Sen'r,
Capt'n ARTHUR FENNER,
Mr. SYMON RAY,
Capt'n JAMES PENDLETON.

GRAND JURYMEN SWORN.

Thomas Olney, Foreman. James Greene, Andrew Willet, Jeremiah Browne, John Whipple, Peleg Sherman, John Knowles, Joseph Mowry, Rouse Helmes, Thomas Fry, Nathaniel Niles, Thomas Burge, John Rice.

* Potter's Narragansett, p. 221.

CONSTABLES SWORN IN COURT.

Henry Briteman, George Sisson, Thomas Durfee, of Portsmouth; Jacob Mott, Robert Westgate, Jireh Bull, John Easton, Jun'r, John Headley, for Newport.

William Hancock, for New Shoreham.

Joseph Mowry, for Jamestown.

The Court adjourned till 7 o'clock, to-morrow morning.

June 15th.

The Court called and sat.

Ordered, That the Clerk write orders and deliver to the Constables, that appeared at sessions, to warn the persons appointed for Constables to serve the year ensueing, to appear in sessions, or before one of the Justices of the Peace, to give their oath to said office.

Upon the petition of Sarah Potter, of Warwick, it is ordered, that the consideration thereof, be referred to the Justices of the Peace, of Providence, Warwick, and Rochester, to inquire into, and take care concerning the premises therein contained.

James Herbert, prisoner, in his Majesty's jail in Newport, being indicted, was called in Court, and his indictment being read to him, and he demanded guilty or not, his answer was, that he would not say any thing; and so was remanded to jail.

June 16th.

The Court of Sessions called and sat.

James Herbert, prisoner, being indicted, called in Court, and his indictment being read to him, and demanded guilty or not, answered he would not answer, and so was remanded to jail.

The following overseers of the poor were appointed.

John Maxon, John Fairfield, for Haversham.

James Reynolds, Samuel Albro, for Rochester.

Capt'n Clement Weaver, John Heath, for Deptford.

Nathaniell Waterman, Pardon Tillinghast, Shadrack Manton, for Providence.

Samuel Stafford, Moses Lippitt, for Warwick.

Nicholas Carr, Oliver Arnold, for Jamestown.

Gideon Freeborne, John Borden, Mathew Borden, Portsmouth.

John Woodman, Benedict Arnold, Lawrence Turner, Peter Easton, for Newport.

Robert Guthridge, Nathaniel Niles, for New Shoreham.

Whereas, several persons being by their recognizances of good behaviour, and to appear at a Court at Rochester, in the King's Province, and the said Court being not held at the time appointed, and all the persons did there at that time and place appear, which said recognizances the Justices were by commission to hear and determine all things relating thereunto at this Court, and the said persons being called, not appearing, this Sessions do order, that the said persons shall be summoned to appear at the next Generall Quarter Sessions, to answer.

Persons admitted to have licenses :

William Mayes, John Davis, Robert Little, Charles Beere, George Halsall, of Newport.

James Herbert, now prisoner in his Majesty's jail, being twice called in Court, and his indictment read to him, he was demanded guilty or not guilty, he said he would not answer.

The sentence of the Court is, that the said James Herbert pay five pounds in money, and give his own bonds of twenty pounds, to be of good behaviour and appearance at the next Quarter Sessions, and to remain in prison till he perform the sentence.

Ordered, That Edmund Calverly, late Generall Sergeant, Jailor, be allowed twenty shillings for his service.

Ordered, That the Clerke write Prohibitions to prohibit the selling of all sorts of strong drinks in the King's Province.

At a Generall Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name at Rochester, for Rhode Island, Nurragansett, or King's Province, and Providence Plantations, the 14th day of September, 1687.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
Lieut. Col. PELEG SANFORD,
Major RICHARD SMITH,
Capt'n JOHN FONES,
RANDALL HOLDEN.

GRAND JURY SWORN.

Phillip Smith, Foreman. John Wood, John Greene, Samuel Gorton, Nicholas Carr, Ephraim Moss, Daniel Lawton, Benjamin Shearman, George Whitman, Thomas Mumford, Rouse Helmes, John Maxon, Samuel Winsor, William Cory.

Upon the request of the Overseers of the Poor, of Newport, in what way they should raise maintenance for the poor,

It is ordered, That the Overseer of the Poor of each town within this Province or County, shall have power to make and assess a rate or levy on all and every the estates of the inhabitants and others within their townships, according to the custom of England, for the relief of the poor of each of their respective towns.

John Whipple and William Turpin, both of Providence, are forbidden selling of any sort of strong drink by retail, by his Majesty's Justices of the Peace, sitting in Generall Quarter Sessions, at Rochester, September the 14th, 1687, except they or either of them, shall appear before two of his Majesty's Justices and give bond according to law.

At a Generall Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name at Newport, for Rhode Island, King's Province, &c., the 13th day of December, 1687.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.

Lieut. Col. PELEG SANFORD,

Capt'n JOHN FONES,

CALEB CARR, Sen'r,

JOHN COGGESHALL.

GRAND JURY.

Capt'n Benjamin Gorton, Foreman. Capt'n James Barker, Henry Bull, Jun'r, Henry Tibbetts, Sen'r, Henry Hall, James Badcock, Sen'r, James Blackmore, Abiah Carpenter, Thomas Brookes, Charles Tillinghast, Robert Carr, George Cooke, Stephen Braiton.

William Allen, Thomas Cornell, John Albro, Jun'r, Jonathan Sprague, John Hawkins, all being returned by the Sheriff, to serve on the Grand Jury, and they refusing to take the oath in Court, when called thereunto, they and every of them, are for their said offences, sentenced to pay a fine of six shillings, and eight pence, in or as money, for each person.

Ordered, That all cord wood, put to sale in the town of Newport, on Rhode Island, shall be corded, except the parties concerned shall otherwise agree, and that the Justices of the Peace, living in the said town of Newport, or the major part of them, shall have power from time to time, to appoint a fit person to be a corder of wood in the said town, and the person by them appointed, shall be sworn to the true performance of his office, when called thereunto; and to be allowed for his services four pence a cord.

For preventing damage by fire, it is ordered, that if any chimney in any street or other parts of the town of Newport, on

Rhode Island, between the places commonly called and known by the name of the Pound, and the lands late the lands of Thomas Clifton, deceased, shall be foul and take fire and burn above the funnel, that the person using the said chimney shall forfeit for each time two shillings, six pence, in or as money.

And also it is further ordered, that every owner of a house or houses, in the said parts of the said town, shall provide for every dwelling house a ladder to stand against each the said houses, that shall reach up to or near the ridge of the said house, within nine months after the end of this Sessions, or pay a fine of five shillings for his or her default.

Upon the request of the Overseers of the Poor, of the town of Newport, it is ordered, that Lieut. Col. Peleg Sanford, and Thomas Ward, are added unto them, to help them in making a rate on the estates of the inhabitants, and others within the said township, for the relief of the poor of the said town of Newport.

December 14th

Hannah Clarke, of Jamestown, widow, having in Court confessed that the male child in her arms was a bastard child, born of her body, on the 28th of August, last; for which fact of hers, the Court do sentence the said Hannah to be well whipped ten stripes, on her naked back, in the open street, in the town of Newport, or pay a fine of twenty shillings, in or as money.

This Court being informed that William Palmer and Daniel Mackinces, both of Rochester, victuallers, have misbehaved themselves, and otherwise not being fitly qualified for that employment, this Court do order, that the said William Palmer and Daniel Mackinces be suspended from keeping victualling houses, or selling ale, beer, cider, or any other strong drink, by retail, on penalty by law prescribed.

Samuel Stapleton and Christopher Hargall, both of Newport, being sent for, appeared in Court, and the reason demanded of them why they kept not their shops shut on the First day of this instant December; it being a day set apart by his Excellency,

the Governor and Council, for thanksgiving and praise to God.

Samuel Stapleton's answer was, that he was above the observation of days and times.

Christopher Hargall's answer was, that his boy opened the shop, and what work his son did, was on his own account; and that he was lame, or else he did not know but that himself might have wrought.

Ordered, That the Constable or Constables, or major part of them, in such the respective towns in this Province, being assisted with one or more Justices of the Peace, shall have power to appoint such and so many meet persons to be Surveyors of Highways, as by them shall be judged convenient, to take care for the repairing the ways in their respective townships; which said Surveyors are to be appointed in each town on or before the last Tuesday in February next; which said Surveyors are to attend their said service on penalty by law appointed.

William Turpin, of Providence, Victualler, not appearing in Sessions, according to his Excellency's order, for the taking of a license, it is ordered, that the said William Turpin be suspended from keeping a Victualling House, or selling ale, beer, liquor or other strong drink by retail, on penalty by law provided.

Ordered, That the Clerk to the Constables of Providence, do acquaint the said Wm. Turpin, of the aforesaid written order, and if he submit not, to make presentment in the case according to law.

Ordered, That if any person or persons shall entertain James Herbert in their dwelling house, or other place, day or night, except the persons who have him in keeping, or sell or give any sort of strong drink, ale, beer or cider, to the said James Herbert, shall for every his or her so doing, pay a fine of five shillings, in or as money.

Ordered, That there be a rate of one hundred and sixty pounds levied and raised on the several towns and places in this Province or County, for and towards the building of a

Court House in each of the towns of Newport and Rochester; and repairing the Prison in Newport, and paying of debts lately contracted within this Province or County, and to be paid unto the Treasurer of this Province or County, on or before the 1st day of July, next ensuing, in the species hereinafter named: that is to say, in money or sheep's wool, at seven pence half penny a pound; butter made in the spring, at four pence half penny a pound; Indian corn at twenty pence the bushel; rye at two shillings, sixpence a bushel; pork at forty-two shillings a barrel; all the said species to be good and merchantable.

The proportion that each town is levied and assessed to pay is as followeth:

Newport,	£38	Haversham,	£10
Portsmouth,	31	New Shoreham,	11
Providence,	27	Jamestown,	10
Warwick,	12		—
Deptford,	27		£160
Rochester,	18		

Ordered, That the Constables of each the respective towns within this Province or County of Rhode Island, or King's Province and Providence Plantations, shall warn the inhabitants of their town to meet together on or before the first Wednesday in April next, to choose three or five men of the inhabitants of their town, to assess and levy the rate assessed and levied on their town (by his Majesty's Justices sitting in General Quarter Session, held in Newport, the 13th day of December, 1687), on each of the estates of the inhabitants, and others within the precincts of their township; which said rate is to be made, and the list thereof perfected under the hands of the said rate makers, or the major part of them, on or before the third Wednesday in the said month of April, and forthwith to be delivered to the Constables of each town; who are hereby required to gather and collect the same, and the said rate by them gathered and collected, the said Constables shall send unto the Treasurer of this Province of Rhode Island, &c.,

on or before the 1st day of July next. And the better to enable the Constables to gather and collect the said rate, the said Constables are empowered, if any person or persons refuse to pay the rate so assessed on them, to distrain of the estate of the person or persons neglecting or refusing to pay the same.

It is also ordered, That Mr. Francis Brinley, Lieut. Col. Pelleg Sanford and Capt'n John Fones, or the major part of them, are hereby empowered and requested to bargain and agree to and with such and so many workmen, artists and others, for the materials, building and erecting in the said towns of Newport and Rochester, the said two Court Houses, as in their discretion shall seem meet; and that an order under the hands of them, or the major part of them, to the Treasurer of this Province or County, to pay to any person or persons, either for materials to be used, or work done about the building the said houses, shall be a sufficient warrant for the said Treasurer to pay the same.

John Woodman, nominated to be Treasurer, and sworn.

Ordered, That the Clerk write a letter, to be sent to his Excellency, the Governor, to acquaint him that this Court have, in pursuance to the advice of the Judges to them given, considered the necessity and charge of two Court Houses; one to be built in the town of Newport, and the other in Rochester. And to give his Excellency an account what they have at present computed the charge may be.

Ordered, That if any person or persons shall sit tippling or drinking in any Victualling House, within this Province or County, on the First day of the week, or be found playing or sporting on the First day of the week, shall for every of the said offences, be prosecuted and punished as by law is appointed; and all masters of families are strictly required to take care of their servants and children, for whom they are to be accountable; and the Constables in each town are strictly required to take care that this order be duly observed.

Ordered, That the Clerk copy and send forth the orders concerning the rate, to the Constables of the several towns, and

all such other orders also as are to be published, according to the use they are intended.

The Quarter Sessions ended.

At a General Quarter Sessions and Inferior Court of Common Pleas, holden in his Majesty's name, at Rochester, for Rhode Island, King's Province and Providence Plantations, &c., the 6th day of March, 1687-8.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman and Judge.
Lieut. Col. PELEG SANFORD,
Major RICHARD SMITH,
Capt'n JOHN FONES,
JAMES PENDLETON,
ARTHUR FENNER,
RANDALL HOLDEN.

GRAND JURY.

Nathaniel Waterman, Foreman. Job Greene, Lodowick Updike, Henry Gardiner, William Knowles, Clement Weaver, Enoch Place, Ephraim Moss, John Clarke, John Maxson, Samuel Bennett, Thomas Mumford, Henry Bull.

Mary, the Indian squaw, formerly committed to Prison, on suspicion of felony, being called in Court, on proclamation being made, and no person appearing against her, the said Mary is discharged from her said imprisonment.

For the encouragement of fishing, if any person or persons inhabiting at or near the Pettaquamscutt, shall make a Wier this spring to take fish in Pettaquamscut River, for their encouragement therein, it is ordered, that no person or persons, shall disturb them in their fishing in their said Wier, when made, nor fish with them therein, except such persons as shall

help them to make the said Wier, or allow to them that make it. And it is also further ordered, that no person or persons shall presume to make any new Wier above the said Wier, thereby hindering the fishing in the said Wier; notwithstanding this order, it is not intended to hinder any of the neighbors, inhabitants, of fishing in the said River, above or below the said Wier.

William Palmer, of Rochester, being presented by the Grand Inquest, in this Court, for selling of rum by retail, and suffering the same to be drank in his said house, being called in Court, and his presentment read to him, and he demanded guilty or not, answered (not guilty), and referred to trial.

The Jury's verdict is (guilty). The Court accept the verdict, and sentence the said William Palmer, for his said offence, to pay a fine of five pounds.

Ordered, That if any person or persons shall kill any wolf or wolves within this Province or County, and shall demand pay for the same, according to law, shall bring or cause to be brought, the wolf or wolves, by him or them so killed, within twenty-four hours after to a Justice of the Peace, who is keep record thereof, and certify the same to the Treasurer.

Ordered, That there shall be a rate levied and assessed on the several towns and places in this County or Province, of fifty-three pounds, six shillings and eight pence for and towards the paying for the killing of wolves in this Province; and to be assessed and proportioned on each the towns proportionably to the rate of one hundred and sixty pounds, is, and to be levied, collected and paid at the same time, and in the same manner and form as in and by the said order is directed and prescribed.

The proportion that each town is levied and assessed to pay is as followeth :

Newport,	£12 13s. 4d.	Haversham,	£03 06s. 8d.
Portsmouth,	10 06 8	New Shoreham,	03 13 4
Providence,	09 00 0	Jamestown,	03 06 8
Warwick,	04 00 0		
Deptford,	01 00 0		£53 6s. 8d.
Rochester,	06 00 0		

Samuel Eldred being the informer against William Palmer, for selling rum by retail, in Court forgave his part of the fine, being the half thereof, to the said Palmer.

Upon the application of William Palmer to this Court, that he might have liberty to keep an Ordinary, Ale House, or Common Victualling House, the Court do permit him to keep an Ordinary, Ale House, or common Victualling House, untill one year be fully complete and ended, from and after the day of the date of his former license.

Upon complaint to this Court, made by Robert Spinke, and others, of the town of Rochester, that several highways in the said town are stopped up, to the great damage of the inhabitants of said town, it is ordered, that Mr. Daniel Vernon and Mr. Henry Tibbitts are empowered to take care that the highway which leads from George Whitman's, to the country road, and comes out to the said road between the land of Mr. James Reynolds, and John Briggs, be forthwith laid open for the use and benefit of the inhabitants.

At a General Quarter Session, holden in his Majesty's name at Newport, for Rhode Island, Narragansett, of King's Province, and Providence Plantations, the 12th day of June, 1688.

JUSTICES PRESENT.

FRANCIS BRINLEY, Chairman.

PELEG SANFORD,

RICHARD SMITH,

JOHN FONES,

JOHN COGGESHALL,

CALEB CARR, Sen'r,

JAMES PENDLETON,

SIMON RAY,

ARTHUR FENNER.

GRAND JURY.

Edward Greenman, Foreman. Francis Braiton, Sen'r, Sampson Shurman, John Lewis, William Gardiner, John Sheldon,

Peleg Mumford, John Heath, William Burton, John Sailes, Isaac Lawton, Joshua Raymond, Robert Guthridge, Oliver Arnold.

John Wells, of Haversham, being presented in the Assizes, or general Jail Delivery, holden in ——— last, for killing and slaying sundry swine, of George Denison, of the same place, and bearing them away, being called in Court, and his indictment being read to him, and he demanded guilty of the charge or not, answered not guilty; and referred to trial.

The Jury's verdict not guilty, and the Court accept the same.

The said John Wells cleared by proclamation.

CONSTABLES.

The following Constables were chosen :

For Providence: Samuel Whipple, Gideon Crawford and Ephraim Pierce.

For Haversham, Nicholas Cotterell and Joseph Stanton.

For Warwick, James Carder and John Rhodes.

For Portsmouth, Jeremiah Smith, Thomas Durfee and John Keas.

For Rochester, William Gardiner.

For Jamestown, George Cook.

For New Shoreham, William Rathbone.

For Newport, Nathaniel Coddington and Shubael Painter.

Alexander Gordon, of Newport, admitted to have a license.

Benjamin Sherman, appointed to serve in the office of Constable, sworn.

Whereas, the late Constables of the town of Providence, have neglected to call the inhabitants of the said town together to choose Rate-makers, to assess and levy the County rates assessed on their town, for and towards the erecting and building Court Houses, and for payment for killing of wolves, this Court order, that the said Constables, taking to their assistance two or three of their sufficient neighbors, shall assess and levy the said rates assessed and levied on their town, according as the former orders are appointed and directed on or before the first Monday in July next ensueing; and if none of their said

neighbors will assist them in making the said rates assessed on their said town, according to the said orders, the said Constables shall levy the said rates themselves; and are hereby also empowered to gather the said rates so assessed, by warrant from one Justice, are empowered to distrain for neglect or refusal of payment of the same, and shall forthwith return the said rate by them so gathered, to the Province or County Treasurer.

Ordered, That the Treasurer shall pay to Mr. West, Deputy Secretary, the sum of four pounds, one shilling and three pence, in money.

Ordered, That every town in this Province or County, in the next rate to be levied, shall be rated the sum of ten shillings, for and towards their re-paying into the Treasury the said money paid to the Deputy Secretary.

It is ordered, That the Constables of the towns of New Shoreham, Haversham, Rochester, Deptford, Warwick, and Providence, shall be allowed reasonable charge for the transportation by water, of the rates of their towns to the Treasurer, or so much thereof as shall be sent to him, to Newport, to be paid in the said species.

Whereas, John Eldred, of Rochester, his license being not fully expired, and he requesting that it may be continued until the next Quarter Sessions, it is ordered, that the license of the said John Eldred, shall continue in full force until the next Quarter Sessions; and also the license of Samuel Eldred of said Rochester, is continued to the next Quarter Sessions.

It is ordered, That the Selectmen, townsmen, and Overseers of the town of Newport, or any one of them, shall view all cattle transported from out of the said town by water, and shall have for their service therein the former, and allowed usual fees.

The Court, adjourned, until to-morrow morning eight of the clock.

June 13th.

The Court called and sat.

Whereas, the late Rate-makers chosen by the inhabitants of

the town of Newport, to assess and levy the rate assessed on their town by the Justices sitting in General Quarter Sessions, in Newport, December 13th, 1687, and Rochester, March 6th, 1687, have neglected to rate some persons having estates in the precincts of their town, that according to order ought to have been rated, it is ordered, that the said Rate-makers do and shall meet together on or before the one-and-twentieth of this instant June, to perfect and finish the list of the said rates, and to make return thereof forthwith, to the Constables of the said town.

At a General Quarter Sessions, holden at Rochester, for Rhode Island, Narragansett or King's Province, and Providence Plantations, the first Tuesday in September, 1688.

JUSTICES PRESENT.

FRANCIS BRINLEY,	CALEB CARR, Sen'r,
Capt'n JOHN FONES,	RANDALL HOLDEN.
JOHN COGGESHALL,	

GRAND JURY.

Edward Pelham, Henry Brightman, Robert Lawton, James Coggeshall, Robert Little, John Rathbone, James Reynolds, Thomas Gould, John Watson, Capt'n William Hopkins, John Low, Charles Hastleton, John Thomas, Henry Tibbitts.

PERSONS LICENSED.

William Mages, George Halsall, John Davis, Stephen Ta-beer, Charles Beer, of Newport.

John Cook, of Portsmouth.

Samuel Albro, of Rochester.

Abraham Campanall.

Mary Sanford, Joseph Timberlake, of Portsmouth.

Benjamin Gorton.

John Eldred, Benjamin Mowry, Samuel Eldred, of Rochester.
The Court adjourned for an hour's time.

The Court called and sat.

Mary Cory, of Portsmouth, single woman, being called in Court, to answer to an indictment by the Grand Jury found against her for having a child born of her body, in June last past, appeared, and being demanded who was the father of the said child, she answered John Wickham.

The Court sentence the said Mary Cory for her offence to pay a fine of twenty shillings in money; and also that she bear the town of Portsmouth, free from all charges concerning maintaining and bringing up the said child.

Martha Cook (alias) Cory, of Portsmouth, and Mary Blower, of Newport, on Rhode Island, single women, being summoned to appear at this Court, to answer to a presentment, each for having a child born of her body, found by the Grand Jury, in June last past, being called, did not answer, by the Court is ordered, that an attachment go forth against them, to appear at the next Quarter Sessions.

Francis Brayton, of Portsmouth, on Rhode Island, being summoned to appear at this Court, to answer to a presentment for selling drink to Indians on the First day of the week, being called in Court, appeared, and demanded guilty or not, confessed the fact; and referred himself to the judgment of the Court. The Court's sentence is, that the said Francis Brayton pay a fine of ten shillings in money for his offence.

Robert Lawton, of Portsmouth, on Rhode Island, sworn Sealer of the said town.

At a Generall Quarter Sessions, held in Newport, for Rhode Island, King's Province, and Providence Plantations, the 11th day of December, 1688.

JUSTICES PRESENT.

FRANCIS BRINLEY,
PELEG SANFORD,
RICHARD SMITH,
JOHN FONES,

JOHN COGGESHALL,
CALEB CARR, Sen'r,
ARTHUR FENNER.

GRAND JURY.

Lawrence Turner, Foreman. Thomas Paine, Daniel Stanton, Thomas Brookes, George Sisson, Stephen Cornell, Enoch Plaise, Lodowick Updike, William Palmer, John Warner, Joseph Woodward, George Vaughan, Stephen Remington.

PERSONS LICENSED.

Samuel Wilson, of Rochester.

Job Card, of New Shoreham.

James Sweet, of Prudence.

Whereas, there was an order made in the Quarter Sessions, held in Newport, the 12th day of December, 1687, for the prevention of damage by fire, in the town of Newport, that if any chimney in the said town shall be foul and take fire, and burn above the funnel thereof, that the persons using the said chimney, shall pay two shillings, sixpence ; and by the said order there was no means provided for the collecting and receiving the same, it is ordered, that if any person or persons shall give notice of any chimney taking fire and burning above the funnel, to the next Justice of the Peace, shall have six pence for the same, out of the fine.

And it is further ordered, That one of the said Constables of the said town shall demand and receive the same ; and if the

person offending refuse on demand to pay the same, that then by warrant from one Justice of the Peace to a Constable, he shall levy the same, by distress on the goods of the offender, together with the charge thereof, and the said fine (except the sixpence aforesaid), to deliver to the Selectmen and Overseers of the Poor of the said town of Newport, for the use of the poor. And also at the time aforesaid, it was ordered, that the owner of every dwelling house in the parts of the said town, the places called the Pond, and the land of Thomas Clifton, deceased, should provide a ladder to stand against the houses that would conveniently reach to near the ridge of the said house, within nine months, on the forfeiture of five shillings; and the said order having been hitherto generally neglected, it is ordered, that all and every person or persons, owners of houses as aforesaid, shall within three months after the end of this Sessions, provide a ladder or ladders, according as is directed by the said order (except such persons as have already provided ladders accordingly); or shall forfeit the sum of five shillings, to be to the use of the poor of the said town of Newport.

And it is further ordered, that the Constables of Newport shall take care to see this order be performed; and if any shall neglect their duty herein, to receive and collect the said fine, and if any person or persons offending shall refuse to pay the same on demand, the said Constables or any of them, by warrant from one Justice of the Peace, shall levy the same by distress, together with the charge for the levying the same.

Whereas, the Treasurer of this Province or County, hath made report to this Sessions that several of the Constables have neglected to collect and gather the several rates levied on the estates within their respective towns, it is ordered, that the Constables and each of them, that have neglected to gather and collect any the said assessments, shall forthwith collect and gather the same, or else for the neglect of their said duty, they and every of them, shall be lyable to pay the sum or sums by them neglected to be collected and gathered, as by the said orders are provided and directed. And if all or any of the Constables shall neglect to pay the said assessments and finish their ac-

counts with the said Treasurer, it shall and may be lawful for any two Justices of the Peace of this Province, &c., to grant forth a warrant to the Sheriff, or to any other person as to them shall seem meet, to distrain the same of the goods and chattels of all and every the Constables that shall neglect their duty herein.

Whereas, by the order of Sessions, held at Rochester, the 6th day of March, 1687, it was ordered, that if any person or persons shall kill any wolf or wolves, within this Province or County, and shall demand pay for the same, according to law shall within twenty-four hours bring the body of the said wolves to a Justice of the Peace, which order is found difficult to perform.

It is therefore ordered, That for the head and skin of any wolf by any person so killed, shall be brought to a Justice of the Peace in the time, it shall be sufficient for the Justice of the Peace to make record of the killing of the said wolf, and to certify the same to the Treasurer.

Ordered, That there shall be a rate of one hundred and twenty pounds levied and raised on the several towns in this Province or County, for defraying of the public charge thereof, and to be paid unto the Treasurer of this Province or County, on or before the first day of July, next ensuing, in the species hereinafter named, and at the prices hereafter appointed. That is to say, sheep's wool at eight pence the pound, butter at four pence a pound, Indian corn at fourteen pence the bushel. And if any person or persons shall pay money, he or they shall be abated the one sixth part; all which species shall be good and merchantable.

The proportion that each town is levied and assesed to pay, is as followeth :

Newport,	£28 10s.	Haversham,	£7 00s.
Portsmouth,	23 05	New Shoreham,	8 15
Providence,	20 05	Jamestown,	7 10
Warwick,	09 00		<hr/>
Deptford,	02 05		£120 00
Rochester,	13 10		

Ordered, That the Selectmen in each the respective towns within this Province or County, shall meet together on or before the first Wednesday in April next, to assess and levy the rate assessed and levied on their town by his Majesty's Justices, sitting in Generall Quarter Sessions, held in Newport, the 11th day of December, 1688, on each of the estates of the inhabitants, and others within the precincts of their townships, which said rate made, and the list thereof perfected, under the hands of the said Selectmen, or the major part of them, on or before the third Wednesday in the said month of April, and forthwith to be delivered to the Constables of each town, who are hereby required to gather and collect the same; and the said rate by them so gathered and collected, the said Constables shall send unto the Treasurer of this Province or County, of Rhode Island, &c., on or before the 1st day of July, next. And the better to enable the Constables to gather and collect the said rate, the said Constables are empowered, if any person or persons shall neglect or refuse to pay the rate so assessed on them, to distrain of the estate of the person or persons neglecting or refusing to pay their rate.

Instructions for Sir Edmund Andros.

Instructions to our trusty and well-beloved Sir Edmund Andros, Knight, our Captain Generall and Governor in Chief in and over our territory and dominion of New England, in America.

With these our Instructions, you will receive our commission, under our great Seal of England, constituting you our Captain Generall and Governor in Chief in and over our Collonies of the Massachusetts Bay and New Plymouth, our Province of New Hampshire and Maine, the Narragansett country or King's Province, our Collonies of Rhode Island and Connecticut, our Province of New York, and East and West New Jersey, and of all that tract of land, circuit, continent, precincts and limits in America, lying and being in breadth from forty degrees of northern latitude, from the Equinoctial line, to the river St. Croix, eastward, and from thence directly northward to the river of Canada; and in length and longitude by all the breadth aforesaid, throughout the main land, from the Atlantic or Western Sea, and ocean on the east part, to the South Sea on the west part; with all the islands, seas, rivers, waters, rites, members, and appurtenances thereunto belonging (our Province of Pennsylvania and country of Delaware only excepted), to be called and known as formerly, by the name and title of our territory and dominion of New England, in America.

And you are accordingly forthwith to take upon you the execution of the place

and trust, we have reposed in you, and with all convenient speed to call together the members of the Council by name, Joseph Dudley, William Stoughton, Robert Mason, Anthony Brockoll, Thomas Hinckley, *Walter Clark, Robert Treat, John Fitz Winthrop, John Nicholson, Frederick Philips, Jervis Baxster, John Pinchon, Peter Buckley, Wait Winthrop, Richard Wharton, Stephen Courtland, John Usher, Bartholomew Gidney, Jonathan Ting, John Hincks, Edward Ting, Barnaby Lathrop, John Sanford, William Bradford, Daniel Smith, Edward Randolph, John Spragg, John Walley, Nathaniel Clerke, John Coxhill [*Coggeshall], Walter Newbury, *John Greene, *Richard Arnold, John Alborough, Samuel Shrimpton, John Young, Nicholas Bayard, John Palmer, William Brown, Jun'r, Simon Linds, *Richard Smith, and John Allen, Esquires. At which meeting, after having published our said commission, or letters patents, constituting you our Captain General and Governor in Chief of our said territory and dominion, you shall (after first taking the like oath yourself) administer to the members of our Council, the oath for the due execution of their places and trusts.

And you are to communicate unto our said Council from time to time such and so many of our Instructions as you shall find convenient for our service, to be imparted unto them.

And you are to permit the members of our Council to have and enjoy the freedom of debate and votes, in all things to be debated by them.

And although by our commission, aforesaid, we have thought fit to direct that any five of our Councillors make a quorum; it is nevertheless our will and pleasure, that you do not act with a quorum of less than seven members, unless upon extraordinary emergencies.

And that we may always be informed of the names of persons fit to supply the vacancies of our Council, you are to transmit unto one of our Principal Secretaries of State, and to the Lords of our Privy Council appointed a Committee for Trade and Foreign Plantations, with all convenient speed, the names and characters of twelve persons, inhabitants of our said territory, whom you shall esteem the best qualified for that trust; and so from time to time when any of them shall die, depart out of our said territory, or upon any other occasion, you are to supply the first number of twelve persons, by nominating others to us in their stead.

And our will and pleasure is, that you do not suspend any of the members of our said Council, without good and sufficient cause; and in case of suspension of any of them, you are forthwith to transmit unto us, as aforesaid, and to our Committee for Trade and Foreign Plantations, your reasons for so doing, together with the charge and proof against the said persons, and their answer thereunto.

And in the nomination of any members of our said Council unto us, upon any vacancy, as also in the choice of the Chief Officers, Judges, Assistants, Justices, and Sheriffs, you are always to take special care that they be men of estate and abilities, and not necessitous people, or much in debt, and that they be persons well affected to the government.

Our will and pleasure is, that all laws, statutes, and ordinances within our territory and dominion of New England, aforesaid, shall continue and be in full force and vigor, so far forth, as they do not in any wise contradict, impeach, or derogate from our said commission, orders, or instructions, until such time as with the advice and consent of the Council, you shall pass other laws for the good government of our said territory and dominion, which you are to do with all convenient speed.

And we do further charge and require you to transmit authentick copies, under

the publick seal, of all laws, statutes, and ordinances, which at any time shall be made and enacted within our said territory and dominion, unto us, as aforesaid, and to our Committee for Trade and Plantations, within three months, or sooner, after their being enacted, together with duplicates thereof, by the next conveyance, upon of the pain of our highest displeasure, and forfeiture of that year's salary wherein you shall at any time or upon any pretence whatsoever, omit to send over the said laws and ordinances, as aforesaid, within the time above limited; as also of such other penalty as we shall please to inflict.

And if any laws, statutes, and ordinances, made and enacted by you and our Council, or by the Commander in Chief, and Council of New England, for the time being, shall at any time be disallowed, and not approved, and so signified by us, our heirs, or successors, under our or their sign manual and signet, or by order of our or their Privy Council unto you, the said Sir Edmund Andros, or the Commander in Chief of our said teirritory and dominion for the time being; then such and so many of them as shall be so disallowed and not approved, shall from thenceforth cease, determine and become void.

And you are to observe in the passing of laws, that the style of enacting the same by the Governor and Council, be henceforth used, and no other.

And we do hereby signify unto you our express commands, that all writs be issued in our Royal name, throughout our said territory and dominion. You are to take especial care that no act or order be passed within our said territory in any case for levying fines, and inflicting penalties whereby the same shall not be reserved to us for the publick uses of the government; as by the said act or order shall be directed.

Whereas, by our commission aforesaid, we have given unto you full power and authority, with the advice and consent of our Council, or the major part of them, to impose, assess, raise, and levy such rates, and taxes as you shall find necessary for the support of the government of our said territory; our will and pleasure is, that you continue to raise and levy such rates, taxes, and impositions as are now or have lately been laid and imposed within our said territory, until upon further examination and inquiry, you shall represent unto us the nature and quality of such rates, taxes, and impositions; how the same are raised, and levied, and what other taxes may be raised and levied, and to what value yearly, as also what shall be necessary for the support of the annual charge of our government there.

You shall not permit any publick money whatsoever, to be issued or disposed of, otherwise than by your order or warrant, under your hand. And you are to cause the accounts of all such money or value of money, attested by you, to be transmitted every half year to our Committe of Trade and Plantations, and to our High Treasurer, or Commissioners of our Treasury, for the time being; wherein shall be specified every particular sum received or disposed of; together with the names of the persons, to whom any payments shall be made, and for what uses, with sufficient vouchers for every payment; to the end we may be satisfied of the due application of the revenue raised or to be raised, within our said territory.

You shall not remit any fines or forfeitures whatsoever, above the sum of ten pounds, before or after sentence given, nor dispose of any escheats, until you shall have first signified unto us, to the Commissioners of our Treasury, or High Treasurer for the time being, and to our Committee of Plantations, the nature of the offence or occasion of such fines, forfeitures, or escheats, with the particular sums or value thereof, and shall have received our directions therein.

And whereas there are great tracts of land within our said territory and dominion, yet undisposed of, and other lands, tenements, hereditaments, for which our Royal confirmation may be wanting; we do hereby authorize you to dispose of such lands for a moderate quit rent, not under two shillings sixpence, for every hundred acres; and to reserve such acknowledgments unto us for the confirmation of other lands, tenements, and hereditaments as you shall think most equitable and conducing to our service.

And whereas we are willing to provide for the support of our government in our said territory, by setting apart sufficient allowances to the Commanders in Chief, residing for the time being within the same; our pleasure is, that when it shall happen that you shall be absent from that our territory, one full moiety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall during the time of your absence be paid and satisfied unto such Commander in Chief, who shall be resident upon the place; which we do hereby order and allot unto him for his better maintenance, and for the support of the dignity of that our government.

You are to require the Secretary of our said territory, for the time being, to furnish you with transcripts of all such acts and publick orders as shall be made from time to time, together with a copy of the journal of the Council, to the end the same may be transmitted unto us, as aforesaid, and to our Committee for Trade and Plantations, which he is duly to perform upon pain of incurring a forfeiture of his place.

You shall not displace or suspend any of the Judges, Justices, Sheriffs, or other chief officer within our said territory, without good and sufficient cause; which you are thereupon to signify to us, and to our Committee of Plantations.

All military officers upon misbehavior and unfaithfulness in the execution of their trusts, you shall and may suspend or discharge, as shall appear upon due examination thereof, most agreeable to justice.

You are to transmit unto us, with all convenient speed, a particular account of all establishments, of jurisdictions, courts, offices, and officers, powers, authorities, fees, and privileges, which shall be granted or settled within our said territory; to the end you may receive our approbation and directions therein.

And whereas since our accession to the crown, we have appointed a new seal for our Collonies of New England, as also another seal for our Province of New York, which being now united under one government, we do hereby direct and require that the seal appointed for the said Collony of New England, be henceforth made use of for all of that our territory and dominion, in its largest extent and boundaries aforementioned; and that the seal for our Province of New York, be forthwith broken and defaced in your presence.

You shall take especial care, with the advice and consent of our said Councill, to regulate all salaries, and fees belonging to places or paid upon emergencies, that they may be within the bounds of moderation, and that no exaction be made upon any occasion whatsoever.

You are to take care that drunkenness, and debauchery, and swearing, and blasphemy, be severely punished; and that none be admitted to publick trusts and employments, whose ill fame and conversation may bring scandal thereupon.

You are to permit a liberty of conscience in matters of religion to all persons, so they be contented with a quiet and peaceable enjoyment of it, pursuant to our gra-

cious declarations, bearing date the 4th day of April, in the third year of our reign ; which you are to cause to be duly observed and put in execution.

And we do hereby require and command, that no man's life, member, freehold, or goods be taken away, but by established and known laws not repugnant to, but as much as conveniently may be, agreeable to the laws of our kingdom of England.

You shall take care that all planters, merchants and Christian servants shall be well and fitly provided with arms, and that they be listed under officers, and when and as often as you shall think fit, mustered, and trained, whereby they may be in better readiness for the defence of our territory and dominion, aforesaid ; or in any other of our Plantations, in case of distress, wherein you shall, upon the application of the respective Governors, assist them with what aid the condition and safety of your government may permit.

You are nevertheless to take especial care that neither the frequency nor unreasonableness of remote marches, musters, and trainings be an unnecessary impediment to the affairs of the inhabitants or planters under your government.

You shall take an inventory of all arms, ammunition and stores remaining in any of our magazines and garrisons, within our said territory, and send an account of them yearly to us, by one of our principal Secretaries of State, and to our Committee for Trade and Plantations.

And you are also to demand an account of what other arms and ammunition have been formerly bought with publick money there, for the security of our said territory, and the same to transmit unto us by one of our principal Secretaries of State, and to our Committee for Trade and Foreign Plantations.

You are to take especial care that fit store houses be settled throughout our said territory, for receiving and keeping of arms, and ammunition and other publick stores.

And you shall transmit unto us by the first opportunity, a map with the exact description of all the whole country as far as any discovery shall be made thereof, and of the several fortifications you shall find or erect there.

And that we may be the better informed of the trade of our said territory, you are with the advice and consent of our Councill, to take care that due entries be made in all ports, of all goods and commodities imported or exported from thence, and from and to what places they come and go ; and that a yearly account thereof be transmitted by you unto us, by our High Treasurer, or Commissioners of our Treasury for the time being, and to our Committee for Trade and Foreign Plantations.

Our will and pleasure is, that you do from time to time give us an account of what strength your bordering neighbors are, be they Indians or others, by sea and land, and what correspondency you keep with them.

And when any opportunity shall offer for purchasing great tracts of land for us, from the Indians for small sums, you are to use your discretion therein, as you shall judge of the convenience, prejudice, or advantage that may arise unto us, by the same.

Whereas Joseph Dudley, Esq'r, and others, by their petition have humbly prayed our Royal grant and confirmation to certain lands lying upon the river Merrimack, and to the lake Wenepesioco, in New England, together with the fishing of the said river and lake, you are to examine the said petition, and to report unto us, your opinion what may be fit for us to do therein.

You are to suppress the engrossing of commodities tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein with the advice of our Councill, as may be most acceptable to the generality of the inhabitants.

You are to give all due encouragement and invitation to merchants and others, who shall bring trade unto our said territory, and in particular to the Royal African Company of England.

And you are to take care that there be no trading from our said territory, to any place or port in Africa, within the Charter of the Royal African Company; and you are not to suffer any ships to be sent thither, without their leave and authority.

And we do hereby strictly command and enjoin you carefully to observe the treaties concluded by us with any foreign Prince or State; and in case any private injury or damage shall be offered or done to any of our subjects in those parts by the subjects of any such Prince or State, you shall take care to give us an account thereof, with all convenient speed, and not to permit or encourage reparations thereof to be sought in any other way than such as shall be agreeable to the said treaties and the instruction herewith given you.

And whereas we are informed of great disorders and depredations daily committed by pirates and others, to the prejudice of our allies, contrary to the treaties between us, to the good correspondency which ought to be maintained between Christian Princes and States; and there being a law passed in our Island of Jamaica against such unwarrantable proceedings; our will and pleasure is, that such a law (a copy whereof is herewith delivered unto you) be passed within our territory and dominion of New England, which you are to transmit unto us, as aforesaid, by the first opportunity.

And whereas we think it fit for the better administration of justice, that a law be passed, wherein shall be set the value of mens' estates, either in goods or lands, under which they shall not be capable of serving as Jurors; you are therefore, by the first opportunity of transmitting any laws hither for our approbation, to send one for that purpose.

You shall pass a law for the restraining of inhuman severity, which by ill masters or overseers may be used towards the Christian servants or slaves; wherein provision is to be made that the willful killing of Indians and negroes be punished with death, and a fit penalty imposed for the maiming of them.

And you are also with the assistance of our Councill, to find out the best means to facilitate and encourage the conversion of negroes and Indians, to the Christian religion.

You are to endeavor, with the assistance of the Councill, to provide for the raising of stocks and building publick work houses in convenient places, for the employing of poor and indigent people.

You are likewise from time to time, to give us by one of our principal Secretaries of State, and our Committee for Trade and Foreign Plantations, an account of the wants and defects of our said territory, what are the chief products thereof, what new improvements the industry or invention of the planters hath afforded, what probable advantages may be gained by trade, and which way you conceive we may contribute towards them.

And forasmuch as great inconveniences may arise by the liberty of printing within our said territory, under your government, you are to provide by all necessary

orders that no person keep any printing press for printing, nor that any book, pamphlet, or other matter whatsoever, be printed without your special leave and license first obtained.

You are to encourage all you can the several Indians on the Continent, upon all occasions, that they may apply themselves to the English trade and nation, rather than any other in Europe.*

And to the end the said limits and boundaries may be settled before the 11th day of January next, and that our Commissioners may be well informed of the full extent of our territory and dominion of New England, and its dependencies; you are forthwith to give us an exact account and full information of the boundaries and limits thereof, and of the Indians and territories depending thereon; which you are to do with all convenient speed.

Lastly. If any thing shall happen, that may be of advantage, and security to our said territory, which is not herein or by our commission provided for; we do hereby allow unto you with the advice and consent of our Councill, to take order for the present therein; giving us speedy notice thereof, that you may receive our ratification, if we shall approve the same.

Provided, always, and our will and pleasure is, that you do not by color of any power or authority hereby given you, commence or declare war without our knowledge and command therein; except it be against Indians, upon emergencies, wherein the consent of our Councill shall be had. And you are to give a particular account thereof, with all speed, unto us, by one of our principal Secretarys of State, and to the Lords of our Privy Councill, appointed a Committee for Trade and Foreign Plantations; as in the general of all publick proceedings from time to time, and of the condition of affairs within your government.

Given at at our Court, at Whitehall, the 16th day of April, 1688, in the fourth year of our reign.* By his Majesty's command, SUNDERLAND P.

[To complete the history of the revolt of the English Colonies, which grew out of the arbitrary government of Sir Edmund Andros, we quote the particulars of the closing scenes from Mr. Bancroft's History.]

"The great news of the invasion of England, and the declaration of the Prince of Orange, reached Boston on 4th day April, 1689. The messenger was immediately imprisoned; but his message could not be suppressed; and "the preachers had already matured the evil design" of a revolution. For the events that followed, were "not a violent passion of the rabble, but a long-contrived piece of wickedness."

About nine o'clock of the morning of the 18th, just as George, the commander of the Rose frigate, stepped on shore, Green and the Boston ship-carpenters gathered about him, and made him a prisoner. The town took the alarm. The royalist sheriff hastened to quiet the multitude; and the multitude secured him as their prisoner. From him they hastened to the major of the regiment, and demanded

* A portion relating to the five rations of Indians, is omitted.

* New York Documents, p. 543, Vol. III.

colors and drums. He resisted; they threatened. The crowd increased; companies form under Nelson, Foster, Waterhouse, their old officers; and already at ten they seize Bullivant, Foxcroft, and Ravenscraft. Boys ran along the streets with clubs; the drums beat; the Governor, with his creatures resisted in Council, withdrew to the fort to desire a conference with the ministers and two or three more. The conference was declined. All the companies soon rallied at the town-house. Just then, the last Governor of the Colony, in office when the Charter was abrogated, Simon Bradstreet, glorious with the dignity of four score years and seven, one of the early emigrants, a magistrate in 1630, whose experience connected the oldest generation with the new, drew near the town-house, and was received by a great shout from the freemen. The old magistrates were re-instated, as a council of safety; the whole town rose in arms, "with the most unanimous resolution that ever inspired a people;" and a Declaration, read from the balcony, defended the insurrection as a duty to God and the country. "We commit our enterprise," it was added, "to Him who hears the cry of the oppressed, and advise all our neighbors, for whom we have thus ventured ourselves, to joyn with us in prayers and all just actions for the defence of the land."

On Charlestown side, a thousand soldiers crowded together; and the multitude would have been larger if needed. The Governor, vainly attempting to escape to the frigate, was, with his creatures, compelled to seek protection by submission; through the streets where he had first displayed his scarlet coat and arbitrary commission, he and his fellows were marched to the town-house, and thence to prison.

On the next day, the country came swarming across the Charlestown and Chelsea ferries, headed by Shepherd, a schoolmaster of Lynn. All the cry was against Andros and Randolph. The castle was taken; the frigate was mastered; the fortifications occupied.

How should a new government be instituted? Town-meetings, before news had arrived of the proclamation of William and Mary, were held throughout the Colony. Of fifty-four towns, forty, certainly, probably more, voted to re-assume the old Charter. Representatives were chosen; and once more Massachusetts assembled in General Court.

The royalists had pretended that "the Quaker grandees" of Rhode Island had imbibed nothing of Quakerism but its indifference to forms, and did not even desire a restoration of the Charter. On May-day, their usual Election-day, the inhabitants and freemen poured into Newport; and the whole "democracie" published to the world their gratitude "to the good providence of God, which had wonderfully supported their predecessors and themselves through more than ordinary difficulties and hardships."—"We take it to be our duty"—thus they continue—"to lay hold of our former gracious privileges, in our Charter contained." And by a unanimous vote, the officers, whom Andros had displaced, were confirmed. But Walter Clarke wavered. For nine months there was no acknowledged Chief Magistrate. The Assembly, accepting Clarke's disclaimer, elected Almy. Again excuse was made. Did no one dare to assume responsibility? All eyes were turned to one of the old Antinomian exiles, the more than octogenarian, Henry Bull; and the fearless Quaker, true to the light within, employed the last glimmerings of life to restore the democratic Charter of Rhode Island. Once more its free government is organized: its seal is renewed; the symbol, an anchor; the motto, HOPE.

Thus did a popular insurrection, beginning at Boston, extend to the Chesapeake, and to the wilderness. This New England revolution "made a great noise in the world." Its object was Protestant liberty; and William and Mary, the Protestant sovereigns, were proclaimed with rejoicings such as America had never before known in its intercourse with England.*

Summons to Sir Edmund Andros to Surrender the Government.

At the Town House in Boston, April 18, 1689.

Sir :—Ourselves as well as many others, the inhabitants of this town and places adjacent, being surprised with the people's sudden taking to arms, in the first motion whereof, we were wholly ignorant, are driven by the present exigence and necessity to acquaint your Excellency, that for the quieting and security of the people inhabiting this country, from the imminent dangers they many ways lie open and exposed unto, and for your own safety; we judge it necessary that you forthwith surrender up and deliver the government and fortifications to be preserved, to be disposed according to order and direction for the Crown of England, which is suddenly expected may arrive, promising all security from violence to yourself, or any other of your gentlemen and soldiers in person or estate; or else we are assured they will endeavor the taking of the fortifications by storm, if any opposition be made.

To Sir Edmund Andros, Knight.†

William Stoughton,
Thomas Danforth,
Simon Bradstreet,
John Richards,
Elisha Cook,
Isaac Addington,
John Foster,
Peter Sergeant,

David Waterhouse,
Adam Winthrop,
John Nelson,
Wait Winthrop,
Samuel Shrimpton,
William Brown,
Bartholomew Gidney.

Order for sending Sir Edmund Andros to England.

To such as for the time being, take care for preserving the peace and administering the laws of our Colony of the Massachusetts Bay, in New England, in America.

WILLIAM R.

Whereas, Sir Edmund Andros, Kn't., late Governor of our dominion of New England, has been seized by some people in Boston, and is detained under close confinement there, together with Edward Randolph, John Trefrey, and divers others, our subjects; who have humbly requested us that they may be either set at liberty, or sent in safe custody into England, to answer before us what may be objected against them; we do hereby will and require, that the said Sir Edmund Andros,

* Bancroft's Hist. U. S., vol. II. p. 447.

† J. Carter Brown's Manuscripts, No. 249, Vol. IV.

Edward Randolph, John Trefrey, and others our subjects, that have been in like manner seized by the said people of Boston, and shall be at the receipt of these our commands, detained there under confinement, be forthwith sent on board the first ship bound hither, to answer before us what may be objected against them: and that you take care that they be civilly used in their passage from New England, and safely conveyed to our Royal presence.

Given at our Court at Whitehall, this 30th day of July, 1689, in the first year of our reign. By his Majesty's command.*

NOTTINGHAM.

(With the Royal seal.)†

Call to the people of Rhode Island to assume their former government.

Whereas, we have seen a printed paper, dated from Boston, the 18th of April last, which signifieth that Sir Edmund Andros, our late Governor, with several others, are seized and confined, so that many of the free people of this place are bent to lay hold of their former privileges:

Neighbors and Friends, we therefore, cannot omit to recommend unto you, our present grievance, to wit, that we are sufficiently informed, that our late government under which we were subservient, is now silenced and eclipsed, we, under a sense of our deplorable and unsettled condition, do offer to you, whether it may not be expedient for the several towns of this late Colony, the several principal persons therein, to make their personal appearance at Newport, before the day of usual Election by Charter, which will be the 1st day of May next, there to consult and agree of some suitable way in this present juncture, and whether our ancient privileges and former methods may not be best to insist upon, which we leave to your judicious consideration, and that you may not say, you were ignorant, but had the most timeliest notice that could be given at so little warning, is all at present from your real friends and neighbors.‡

W. C.

J. C.

Newport, this 23d April, 1689.

* Names of those imprisoned with Sir Edmund Andros. Jos. Dudley, Judge Palmer, Mr. Randolph, Lt. Col. Lydgett, Lt. Col. Macgregry, Capt'n George, Major Brockholes, Mr. Graham, Mr. West, Capt'n Trefrey, Mr. Justice Bullivant, Mr. Justice Foxcroft, Capt'n White, Capt'n Ravencroft, Ensign Pipin, Dr. Roberts, Mr. Farewell. Mr. Jemeson, Mr. Kane, Mr. Broadbent, Mr. James Sherlock, Sheriff, Mr. Larkin, Capt'n Manning, Lt. Jordaine, Mr. Cuttler.—*J. Carter Brown's Manuscripts*, No. 264, Vol. V.

† Mass. Hist. Coll., Vol. VII., p. 191.

‡ The paper from which the foregoing copy is made, was received at Providence from Newport; it appears to be the original, and is in the hand writing of Walter Clarke. The letter itself is very cautiously drawn, and there is no notice of its reception upon the town records.

During the existence of Gov. Andros's administration, little transpired in the concerns of Providence, that can now be gathered from the records. There appear to have been elections of some town officers in 1687 and 8, but none in 1689.—*Staples's Annals of Providence*, p. 176.

*Petition from the Governor and Council of Rhode Island, to their
Majesties William and Mary, of England.*

Most dread Sovereign : We your Majesties' most humble subjects and supplicants of your Collony of Rhode Island and Providence Plantations, in New England, having received the joyful tidings of both your Majesties' safe arrival in England, after your your so great and hazardous undertaking, for the good of the nation, to relieve them from Popery and arbitrary power ; as also concerning your accessions to the Crown.

The Governor of this your Majesties' Collony, by the advice of his Councill, gave order for the proclaiming both your Majesties in each respective town in this your Collony ; which accordingly was done in most solemn manner, with all alacrity, beseeching the God of heaven to continue your Majesties with a long and prosperous reign, not at all doubting but your Majesties will take care of all your subjects in this your dominion of New England, as opportunity shall present, that they may be not only freed from arbitrary power, but also may enjoy their lands and other ancient rights and privileges ; and therefore we humbly petition your Most Excellent Majesties' grace and favor towards us your most humble subjects and supplicants, that you would please, being Pater Patrio nostro, to extend your fatherly care in the granting a confirmation to our Charter, which although it was submitted to his late Majesty, nevertheless it was not condemned nor taken from us ; and therefore since the late Revolution, concerning Sir Edmund Andros, his being deposed from the government, we your Majesties' subjects, being destitute of government, saw cause under grace and favor, to re-assume the government according to our Charter, the 1st of May last past, being the Election day appointed by our said Charter, in which Assembly it was ordered, that the former Governor, Deputy Governor, and Assistants that were in place in the year of our Lord 1686, before the coming over of Sir Edmund Andros, our late Governor, should be established in their respective places for the year ensuing, or further order from England ; since which time Sir Edmund Andros made his escape from his confinement in your Majesties' Collony of the Massachusetts, unto Rhode Island, where he was speedily seized and secured until the Governor and Council of the Massachusetts Collony demanded him, by Commissioners sent for that purpose. And accordingly we, the Deputy Governor, and some of the Assistants, gave special order for his return, taking care that all moderation should be used in the conveyance of him ; and we humbly conceive it hath been a great providence of God, in this Revolution, to prevent New England from partaking in Ireland's miseries.

May it please your Excellent Majesties, your transcendent love and favor extended towards us, hath so radicated itself in our hearts never to be forgotten, that it obliges us to offer up ourselves, lives and fortunes to be at your Majesties' service beyond the power of any command. And we beg the God of Heaven to give both your Majesties a long and prosperous reign over us, and we humbly desire that your Majesties will be pleased to cause us to be enrolled amongst your loving subjects.

Dated at Newport, on Rhode Island, your Majesty's Collony of Rhode Island,

and Providence Plantations, in New England, January the 30th, 1689-90. Subscribed by us, your loyal subjects, and most humble supplicants.*

JOHN COGGESHALL, Deputy Governor,
JOHN EASTON, Assistant,
EDWARD THURSTON, "
JOHN GREENE, "
GEORGE LAWTON, "
JOSEPH JENCKS, "
BENJAMIN SMITH, "

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 26th day of February, 1689-90.

Major John Coggeshall, Deputy Governor.

ASSISTANTS.

Mr. John Easton,	Mr. George Lawton,
Mr. Edward Thurston,	Major John Greene,
Mr. Joseph Jencks,	Mr. Benjamin Smith,

RECORDER.

Mr. Weston Clarke.

GENERAL SERGEANT.

Mr. Thomas Frye.

* An abstract of a letter from Mr. Francis Brinley, Merchant, dated the 22d Februrary, 1689-90, to his son, Mr. Thos. Brinley, Merchant, in London.

At New York, Jacob Liesler rules at his will and pleasure, puts in prison whom he pleases, and there keeps them ; we are here in great confusion. John Coggeshall styles himself Deputy Governor, and John Greene, of Warwick, calls himself Assistant (both being of the Governor's Councill), intend next week to call a Generall Assembly, and to rule by the sword. It is high time his Majesty would settle a government over New England. We can never govern ourselves with justice nor impartiality, unless there be a good government established here, as in the other Plantations. I must remove.

27th Do.—This day our Deputy Governor and Assistant within mentioned, with their Assembly sat, and because Walter Clarke (their Governor) refused to act, they chose another Governor, which was Chr. Almy : who refusing, they chose Henry Bull, who accepts and serves. Three days since, we heard that a town above Albany was cut off by the French and Indians, where seventy persons were killed ; the rest carried captives.—*J. Carter Brown's Manuscripts, Vol. V. No. 268.*

DEPUTIES.

Mr. James Barker,	Mr. James Greene,
Mr. Benedict Arnold,	Mr. Peter Greene,
Mr. John Wood,	Mr. John Warner,
Mr. Henry Bull,	Mr. Israel Arnold,
Mr. Jonathan Holmes,	Capt'n Clement Weaver,
Mr. Edward Thurston, Jun'r,	Mr. Thomas Nichols,
Mr. Christopher Almy,	Mr. John Maxon,
Mr. Latham Clarke,	Mr. Joseph Clarke.
Mr. Ichabod Sheffield,	

Mr. John Easton chosen Moderator of the Assembly.

Major John Greene, chosen Clerk of the Assembly.

Ordered by the Assembly, That Mr. James Greene, Mr. Benedict Arnold, and Mr. Edward Thurston, Jun'r, are nominated and appointed to go to Mr. Walter Clarke, Governor, and to Mr. Walter Newbury, Assistant, and desire them to come to the Court to-morrow, by eight of the clock, which will be the 27th instant, at William Make's house ; or else give in their positive answer, whether they will serve in their respective places or no.

The Assembly is adjourned till to-morrow, eight of the clock in the morning.

February 27th.

Mr. Walter Clarke, and Mr. Walter Newbury, having made their appearance, read a paper, wherein it evidently appears they disclaim the government, as also through their neglect in disappearing at the last Assembly appointed by the Patent, and called by virtue of a warrant, subscribed Walter Clarke, Governor, to be held the last Wednesday in October last past, the said Court failed, the Assistants of the main being prevented by stormy weather, from appearing that day.

Therefore, for the preventing such inconvenience for the future, it is enacted by this Assembly, unanimously, to proceed to election of a Governor and Assistants, in the room of those that refuse to serve.

The Governor elected, was Mr. Christopher Almy, who being required, refused to serve in the place of a Governor ; giving satisfactory reasons to the Assembly ; whereupon the Assembly went to election of another, and chose Mr. Henry Bull, Governor, and elected Mr. Benedict Arnold, Assistant, in the room of Walter Newbury ; and Mr. John Coggeshall, Assistant, being sent for, appeared, and refused to serve. Whereupon the Court proceeded to election of an Assistant in his room, and chose Mr. Christopher Almy, Assistant. And then proceeded to engage the Governor, Deputy Governor ; and all the aforesaid Assistants, who accordingly received the same ; as also elected a Generall Treasurer, viz. : Mr. John Hulmes, who was also engaged.

Ordered, That Mr. Joseph Jencks, Assistant, Mr. Benedict Arnold, Assistant, Mr. Christopher Almy, Assistant, Mr. James Greene, Mr. Jonathan Holmes, and Mr. Joseph Clarke, Deputies, the Generall Recorder, the Generall Sergeant, and his Deputy, are by this Assembly appointed and empowered to go to the late Governor, Walter Clarke, Esquire, and demand and receive the Charter, and all other papers and things in his custody, belonging to this Collony, and in behalf of this Assembly to give a discharge for what they receive, and return the premises unto this Assembly.

The return of the Committee is, that Walter Clarke, above-said, refuseth to deliver the Charter and writings, but declared that it was in a chest, and he would give leave to take it. Whereupon the Committee were ordered and empowered to take it accordingly : but their return was, that he refused to let the Charter go unless the Committee would forcibly open the chest and take it.

This Assembly taking into serious consideration the trouble that this Collony is put unto for want of effects to carry on the government, and to maintain their Majesties' interest against a foreign enemy, which is much to be feared in this juncture ; and understanding by the former Treasurer, Mr. John Woodman, that there is a considerable sum of money, to the sum of about thirty pounds in money or upwards, in the custo-

dy of Major Roger Holden ; as also about three hundred weight of wool, &c. Therefore, for the perfecting of the Colony's house in Newport, for which end said moneys were raised, as also for any other concerns that are for the maintenance of their Majesties' government, we nominate, appoint and empower Mr. Edward Thurston, Assistant, Mr. Joseph Jencks, Assistant, Mr. Jonathan Holmes, Mr. James Greene, and Capt'n Clement Weaver, to go to Major Roger Holden's and demand and receive the said moneys, and wool, and give receipt ; and upon refusal of delivery, they may take it by distraint, giving a receipt for what they take.

This 1st of March, 1689-90.

JOHN GREENE,

Clerk of the Assembly.

The return of the Committee is according to the receipt given, as followeth, viz. :

Newport, on Rhode Island, March the 1st, 1689-90.

By virtue of an order, given by the Generall Assembly, we whose names are under-written, have taken thirty-two pounds, eight shillings and eight pence, out of Major Holden's custody, being left there by John Woodman, General Treasurer, for the Collony's use, as witness our hands, the day and year above-written. This money is by tale, weight not known.

EDWARD THURSTON, Assistant,

JOSEPH JENCKS, "

JONATHAN HOLMES,

JAMES GREENE,

CLEMENT WEAVER.

And accordingly the said Committee have tendered and delivered the said money, viz. : thirty-two pounds, eight shillings and eight pence, to this Assembly ; and therefore are discharged thereof by this Assembly.

Ordered, That the Deputy Governor, Major John Coggeshall, and Mr. Benedict Arnold, Assistant, are appointed to tell and weigh the said money, and count it with the Treasurer Mr. John Hulmes, and deliver it unto him ; he giving a receipt

to this Generall Assembly for what he receives, for the Collony's use.

Voted, to adjourn this Assembly until Monday next, eight of the clock, in the morning.

March the 3d.

The Asssembly met accordingly.

Ordered, That whereas, this Assembly having had a letter presented to them by Capt'n Arthur Fenner, subscribed by Benjamin Church, signifying that Capt'n Andrew Edmunds had done very good service in the late Eastern wars, and received twelve pounds ; being but two-thirds of a Captain's pay. And forasmuch as he belonged to this Collony, for his encouragement for future service, this Assembly doe order, that the said Capt'n Andrew Edmunds be paid six pounds by the Generall Treasurer, out of the monies that can be raised out of the first levy.

Mr. Henry Bull, Jun'r, Mr. John Watson, Mr. James Reynolds, and Mr. Henry Tibbitts, are chosen Conservators of the Peace for Kingstown ; and it is ordered, that Major John Greene, Assistant, and Mr. Benjamin Smith, Assistant, do speedily send for the said Conservators, to meet them at such place as they shall appoint, to tender and receive their engagements to their respective places, in the Governor's behalf.

Mr. Nicholas Carr is chosen Deputy Warden, for Conanicut, Jamestown.

Mr. Joseph Clarke is chosen Conservator for Westerly, and engaged.

The Deputy Governor, Major John Coggeshall, Mr. Benedict Arnold, and the Treasurer, Ensign John Hulmes, being returned, they declare that there is delivered twenty-seven pounds, twelve shillings and ten pence, to Ensign John Hulmes, Treasurer, for the Collony's use, and he in Court hath owned the receipt thereof, accordingly.

It is ordered by this Assembly, Major John Coggeshall, Major John Greene, and Mr. Christopher Almy, are appointed a Committee to draw up a letter in answer to the gentlemen of

Boston, relating to the wars at the Eastward, and present it to the Assembly.

The said Committee being returned, have brought in a letter, which being read, was approved on, and ordered to be transcribed by the Clerk of this Assembly, and signed in their behalfe.

Ordered. That the seal brought in by Mr. Arnold Collins, being the Anchor, with the motto "Hope," is appointed to be the Seal of the Collony, he having been employed by this Assembly to make it.

Ordered, That the said Collony's Seal be in the Governor's custody, for the Collony's use.

Ordered, Forasmuch as there is great cause of suspicion of an invasion by a foreign enemy, and assault by Indians, that therefore a military watch and ward be forthwith appointed in each respective town in the Collony.

And it is ordered, That if any persons refuse or neglect, the party or parties deficient, shall pay one shilling, sixpence per night, and one shilling, sixpence per day, for defect within three days after such neglect, or else it shall be taken by distraint, with satisfaction for distraining, as in other cases of like nature.

Ordered, That the King's Proclamation for war, be forthwith published by beat of drum, by the Clerk of this Assembly in solemn manner, being against the French ; and is accordingly proclaimed by beat of drum.

Ordered, That the Frenchmen that reside at Narragansett, be sent for by Major John Greene, to what place in Warwick he shall appoint, to signify unto them the King's pleasure in his Proclamation of war, and his indulgence to such Frenchmen as behave themselves well, and require their engagement thereunto.

Ordered, That a duplicate of the Address sent to their Majesties by the Deputy Governor and Councill, be transcribed and sent to their Majesties, from this Assembly, and subscribed by the Clerk of this Assembly, in their behalf.

Ordered, That Mr. Weston Clarke, Recorder, draw forth and

fix the Seal of the Collony to the respective commissions of the Majors and all commissioned officers throughout the Collony, and shall be paid three shillings for each commission, out of the Generall Treasury.

Ordered, That Major John Greene, Clerk of this Assembly for writing two Addresses to their Majesties, and a letter to the Governor of Boston, and attending and writing the original copy of the Acts of this Court, be forthwith paid out of the Treasury, by Ensign John Hulmes, Treasurer, twenty shillings; and that the Clerk do with all expedition he can, send copies to each respective town, and shall have ten shillings a town, of each town of this Collony, the seal affixed.

Ordered, That the Acts of this Court be forthwith proclaimed by beat of drum, and so to return to the house again, the Seal being fixed.

The Court is dissolved.

By the Assembly, JOHN GREENE, Clerk.

A true copy, compared with the original, with the Collony Seal affixed. As attest, JOHN GREENE, Clerk.

To the Honored Governor, Deputy Governor and Assistants, being the Generall Councill assembled at Newport, March 3d day, 1689-90.

The humble petition of Phillip Carr, widow, and Executrix of Caleb Carr, of Jamestown, late deceased, humbly sheweth: That there being no Town Councill in the town of Jamestown, cannot therefore have my husband's will proved, and letters of administration given, without making application to your Honors. And therefore do humbly petition you that you will be pleased to give order to the Recorder to perfect the matter. And what is necessary to be done on my part, I shall be ready to perform; and your petitioner shall pray for your prosperity.

PHILLIP CARR.

Ordered, That the said Will having been proved in the Councill, that the Recorder do take the said Will and Inventory, and place them to record in the General Councill Book, for the rea-

sons before [stated], and grant letters of administration unto the said Phillip Carr, as Executrix.

By order of the Governor and Council.

JOHN GREENE, Clerk.

Declaration of the Colony of Rhode Island.

We, the Assembly of freemen of the Colony of Rhode Island and Providence Plantations, in New England, being assembled this first day of May, 1689, do with all due and humble submission make our humble address to the present supreme power of England, declaring that the late government of the dominion of New England, whereof Sir Edmund Andros was Governor in Chief, as we are certainly informed, is now silenced by reason his person as well as some of his Council are seized and confined within the limits of Boston, in New England, for what cause best known to themselves. By which overture, we, the freemen aforesaid, were void of government, the consequence whereof appearing dangerous, we have thought it most safe for the keeping of the peace of our Colony to lay hold of our Charter privileges, establishing our officers according to their former station, hoping and not questioning but through grace and favor, our said Charter according to the extent of it may be confirmed unto us, we being a small Colony, distinct from the other Colonies, which our predecessors through much difficulty procured, having been a poor distressed and persecuted people, as can largely be demonstrated, if need require. Further, we humbly pray, if any ill affected person should endeavor to suggest any complaint against us, it may be so favorably constructed and suspended, so that we may make our defence. Thus humbly prostrating ourselves at your feet, humbly praying, that forasmuch as we are not only ignorant of what titles should be given in this overture, but also not so rhetorical as becomes such personages. Therefore, we humbly beg pardon, and remain your humble supplicants and servants.

Signed in behalf of the Assembly, abovesaid.

WALTER CLARKE,
JOHN GREENE,
WALTER NEWBURY.

From Newport, on Rhode Island, in the Colony of Rhode Island and Providence Plantations, in New England, the 1st of May, 1689.*

* J. Carter Brown's Manuscripts, No. 14, Vol. III.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 1st of May, 1690.

Mr. John Easton, chosen Moderator.

John Greene, chosen Clerk of the Assembly.

The Charter being sent for from our late Governor, Walter Clarke, was produced by gentlemen appointed, to the open view of the Assembly, and as carefully returned to his custody again.

Voted, It is ordered by a unanimous vote of the Assembly, that Mr. Joseph Jencks, Mr. Benedict Arnold, Mr. Ihale Lawton, Mr. James Greene, are appointed a Committee to go to Mr. Thomas Ward, and demand and receive all the Records belonging to this Collony of Rhode Island and Providence Plantations, and upon receipt thereof, to give him a discharge for what they receive.

They being returned, do declare, that they have demanded the said Records, and Mr. Thomas Ward refuseth to deliver them without they be taken out of his hand by distraint.

Voted, It is ordered by a unanimous vote of the Assembly, nemine contradicente, that our former Governor, Walter Clarke, our former Deputy Governor, and all the former Assistants of this Collony that were in place in the year of our Lord 1686, at the coming over of Sir Edmund Andros, our late Governor, that the said Governor, Deputy Governor and Assistants, are confirmed and established in their respective places for the year ensuing, or further order from England.

Voted, That a Recorder and Sergeant be elected; our former Recorder being deceased.

Mr. Weston Clarke, chosen Recorder.

Mr. Thomas Fry, chosen Generall Sergeant.

Voted, It is ordered, that all other officers of this Collony, both civil and military, throughout the respective towns, Is-

lands or places, are established and confirmed in their respective places, which they were invested in, in the year 1686, as aforesaid, until the Collony, towns or places at their former appointed times for election, choose others. And that all the present Constables are established in their respective places until others be chosen, as aforesaid, and engaged according to our former method.

Voted, It is ordered that all former acts and orders which were our former method, concerning matters civil or military, are hereby revised, ratified and established, that we may not only be in a capacity for administration of justice, but also for defence from any intestine commotion or foreign invasion.

Voted, That the Court of Election is dissolved.

A true copy, compared with the original, as attest,

JOHN GREENE,

Clerk of the Assembly.

Declaration on the resumption of the Charter.

We, the inhabitants and freemen of Rhode Island and Providence Plantations and King's Province, assembled at Newport, this 1st of May, Anno Domini 1690.

Do declare, that through the good providence of God, our predecessors and ourselves, have been preserved and wonderfully supported through more than ordinary difficulties and hardships for fifty years and upwards, in which time, although there were many revolutions and changes in our native land, yet we were so assisted by the good providence, aforesaid, that we, by humbly addressing ourselves to the supreme power of England, obtained such favor that we had that granted by letters patents, by which we carried on our government to the general satisfaction of said inhabitants and freemen, until of late through the evil disposition of some disaffected persons, to our well being, whose restless suits occasioned writs of quo warranto to be served upon us, by which we were commanded to make our appearance in England, to show by what authority we held our government and privileges. And being under the

said arrest, there appeared a necessity to convene an Assembly to consult about that affair, which was of weighty concern, and upon the serious consideration of the matter, found a disability to defray so great a charge as the standing suit might amount unto; as also being credibly informed that several other Corporations and Collonys were under condemnation, we thought it better to submit ourselves by an humble address to his Majesty, praying that he would be graciously pleased, notwithstanding our submission, to grant the continuance of our privileges in statu quo prius, which he was pleased to do in great measure, as can more plainly appear. But it was so ordered that when Sir Edmund Andros came over Governor, we were included in his Government, to which we peaceably submitted, and have partook and suffered with others several hard and severe impositions, which his Majesty intended not to be imposed on us; as his gracious letter, bearing date from Whitehall, March the 11th, 1686-7, makes to appear.

But forasmuch as we understand that our late Governor, Sir Edmund Andros, is seized and confined with others of his Councill, as appears by a paper printed by Samuel Greene, which late authority being silenced and deposed, we can do no less but to declare that we take it to be our duty to lay hold of our former gracious privileges in our Charter contained, and so to continue the government, always yielding obedience to the Crown of England, and manifesting our allegiance thereunto.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 6th of May, 1690.

Mr. Henry Bull, Governor.

Major John Coggeshall, Deputy Governor.

ASSISTANTS.

Mr. John Easton,

Mr. Benedict Arnold,

ASSISTANTS.

Mr. Edward Thurston,
 Capt'n Arthur Fenner,
 Mr. Joseph Jencks,
 Mr. Richard Arnold,

Mr. George Lawton,
 Mr. Christopher Almy,
 Major John Greene.
 Mr. Benjamin Smith.

DEPUTIES.

For Newport.

Mr. James Barker,
 Mr. Jonathan Holmes,
 Mr. Phillip Smith,
 Mr. Caleb Carr,
 Mr. John Tillinghast,
 Mr. John Wood.

For Providence.

Mr. Stephen Arnold,
 Mr. Pardon Tillinghast,
 Lieut. John Dexter,
 Mr. Giddian Crofford.

For Portsmouth.

Mr. George Sisson,
 Mr. Giddian Freeborn,
 Mr. Henry Brightman,
 Mr. Robert Lawton.

For Warwick.

Mr. Benjamin Barton,
 Mr. Samuel Stafford.
 Mr. Roger Burlingham,
 Mr. Moses Lippitt.

For Westerly.

Mr. Tobias Sanders,
 Mr. William Champlin.

For Kings Town.

Mr. Thomas Gould,
 Mr. John Watson.

For New Shoreham.

Capt'n John Sands.

For East Greenwich.

Mr. Giles Pearce,
 Lieut. Samuel Bennett.

The Governor, Mr. Henry Bull, chosen Moderator of the Assembly.

Weston Clarke, chosen Clerk of the Assembly.

Voted, Mr. Giddian Crofford, John Thurston, Nathaniel Jencks, Thomas Fry, Jun'r, John Spencer, John Nichols, John Wood, Pasco Whittford, Micall Spencer, William Bennett, Clement Weaver, Jun'r, Richard Dunn, Jun'r, Lawrence Turner, Jr., Mr. Stephen Arnold, Jun'r, John Hull, admitted freemen of the Collony.

The Assembly dissolved.

At the Generall Assembly and Election held at Newport, at the house of William Mayes, the 7th day of May, 1690.

The Assembly consisting of the Magistrates and Deputies above named.

Mr. Henry Bull, Governor, chosen Moderator of the Assembly.

Weston Clarke, chosen Clerk of the Assembly.

Voted, That the copy of the Charter, be openly read.

Voted, That the Recorder write the names of all those that vote for Governor.

Voted, That Mr. John Tillinghast, and Mr. Henry Brightman, shall receive the votes from each man's hand, and see that there be no deceit used and put them in the hat.

Voted, That the Deputy Governor and Mr. Benedict Arnold, Assistant, are to open the proxies as the Election proceeds, and put them into the hat.

Mr. Henry Bull chosen Governor, who positively refused to serve. Mr. John Coggeshall was chosen, who also positively refused to engage.

By the Election was chosen the following, who were severally engaged.

GOVERNOR.

Mr. John Easton,

DEPUTY GOVERNOR.

Major John Greene.

ASSISTANTS.

Mr. Edward Thurston,

Mr. Benedict Arnold,

Mr. Joseph Jencks,

Mr. Stephen Arnold,

Lieut. John Dexter.

Mr. Caleb Carr,

Mr. John Coggeshall,

Mr. George Lawton,

Mr. Isaac Lawton,

Mr. Benjamin Smith,

RECORDER.

Weston Clarke.

GENERAL SERGEANT.

Thomas Fry.

GENERAL TREASURER.

John Hulmes.

GENERAL ATTORNEY.

John Pocock.

MAJOR FOR THE ISLAND.

Major Roger Goulding.

MAJOR FOR THE MAIN.

Major John Greene.

Voted, Mr. Joseph Jencks, Assistant, Mr. Benedict Arnold, Assistant, Mr. Benjamin Smith, Assistant, Mr. James Barker, Mr. Jonathan Holmes, with the Recorder, are by the Assembly appointed to go to Mr. Walter Clarke, former Governor of this Collony, and from him receive the Charter, and other papers, and things belonging to this Collony, and in the behalf of the Assembly, to give him a full discharge for what they receive.

Voted, Ordered by the Assembly, that the Charter and other writing, received of Mr. Walter Clarke, former Governor, was delivered to the Assembly by the persons appointed to receive them, and have given a receipt for the same; and that the Charter and papers be put in the Governor's keeping for the Collony, according to former custom.

Voted, Ordered, that Mr. Edward Thurston, Jun'r, and Mr. John Tillinghast, being appointed to receive the duplicate of the Charter, of the Deputy Governor, Mr. John Coggeshall, and return the same to the Assembly, have accordingly done and given a receipt for the same, it was in the Assembly delivered to the Deputy Governor, Major John Greene, to be kept for the use of the Collony.

Voted, Whereas the late Governor, Mr. Henry Bull, was by this Assembly chosen Moderator in their first sitting, and he neglecting to sit in the Assembly, the present Governor, Mr. John Easton, is by the Assembly appointed Moderator.

Received in the Assembly, of the late Governor, Mr. Henry Bull, the Seal of the Collony; a letter from the Governor and Councill of Boston; two letters from the Lieutenant Governor of New York; a copy of a letter sent to the Governor and Councill of Boston; a copy of a letter sent to Governor Liesler, to New York; a copy of a letter sent to Major Walley; all which, with the Seal of the Collony, was delivered to the keeping of the Governor, Mr. John Easton.

Voted, The Committee that were sent forth concerning an answer to the Governor of New York's propositions about as-

sistance, with the respective Collonies, against the French and Indian enemies, is that this Collony being small, and the port of Newport being the principal port, but weakly fitted to oppose an enemy, therefore it is concluded upon, that necessity requires, for the preserving of their Majesties' interest here, that we cannot assist by men, but nevertheless we are willing to assist by raising money according to reasonable proportion.

Voted, Ordered by this Assembly, that there be a rate levied and raised in this Collony of three hundred pounds for the support of their Majesties' interest against the French and Indian enemies, and not to be disposed of for any other use, but by a Generall Assembly's order.

The several towns to be taxed as followeth, and to be payd unto the Generall Treasurer of this Collony, by the 20th day of July next; and to be gathered by the Constables of each town according to an Act of a Generall Assembly made in Newport, the 7th day of May, 1684.

The town of Newport, eighty pounds; the town of Providence, forty pounds; the town of Portsmouth, sixty pounds; the town of Warwick, thirty pounds; the town of Westerly, fifteen pounds; Jamestown, eighteen pounds, ten shillings; New Shoreham, seventeen pounds and ten shillings; Kings Town, twenty-seven pounds; Greenwich, twelve pounds.

The pay and prices to be paid in is, wool, at seven and a half pence per pound; butter, at four pence per pound; Indian corn, at two shillings per bushel; rye, at two shillings, three pence per bushel; pork, at one pound, eighteen shillings per barrel.

Voted, Ordered by this Assembly, that the Treasurer, Mr. John Holmes, and Mr. Caleb Carr, are appointed to agree with a carpenter or carpenters, to finish the Town House forthwith, and to provide boards and nails, and to pay for the finishing the said House out of the money and wool now in the Treasurer's hands, taken out of the custody of Mr. John Woodman, late Treasurer.

Voted, Ordered that the Treasurer, John Holmes, his receipt to Robert Little, for two hundred and sixty-nine pounds of

sheep's wool, taken out of the custody of John Woodman, late Treasurer, be put on record.

Voted, Ordered, that eight pounds shall be kept in the Treasurer's hands of that money received of the late Treasurer, John Woodman, to defray the charge of killing of wolves, in Sir Edmund Andros, his time, for the townsmen of Providence, to whom it doth belong.

Voted, Ordered, that whereas the Assembly hath been made sensible of the great charge the Magistrates of this Collony are at in tending the Court, and lying at their own charge, and no allowance from the Collony, the Assembly do order, that the Governor, Deputy Governor, and Assistants of this Collony, shall for the future pay no Collony rates.

Ordered, That the Clerk of this Assembly shall have ten shillings from each town for the copies of the Assembly's Acts, with the seal of the Collony.

The Assembly dissolved.

Copy, per WESTON CLARKE, Recorder.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Portsmouth, the 16th day of September, 1690. Called by the Governor's warrant on special occasion, for their Majesties' service.

Mr. John Easton, Governor.

Major John Greene, Deputy Governor.

ASSISTANTS.

Mr. Edward Thurston,

Mr. Joseph Jencks,

Mr. Caleb Carr,

Mr. John Coggeshall,

Mr. Benedict Arnold,

Mr. Isaac Lawton,

Mr. Edward Thurston, Jun'r,

Mr. Benjamin Smith.

Mr. Stephen Arnold,

DEPUTIES.

For Newport.

Mr. James Barker,
Mr. Phillip Smith,
Mr. Jonathan Holmes,
Mr. John Wood.

For Providence.

Mr. Gideon Crofford,

For Portsmouth.

Mr. George Sisson.

For East Greenwich.

Mr. Thomas Nicolls.
Mr. Thomas Fry.

The Governor chosen Moderator of the Assembly.

The Recorder chosen Clerke of the Assembly.

Voted, That Mr. Roger Burlingham being returned to this Assembly as a Deputy for the town of Warwick, there being much debate concerning the legality thereof, the Assembly do order, that he is not accepted in this Assembly as a Deputy.

Voted, Whereas by order and Act of the Generall Assembly held in Newport, the 7th day of May, 1690, there was by said Assembly concluded a necessity of raising of moneys in this their Majesties' Collony, for the supply of soldiers and other necessary charges, against their Majesties' enemies; and in order thereunto, by the free vote of the Representatives of this Collony Assembly, as aforesaid, there was a rate assessed on the severall towns, as may appear in said Acts, which said assessment was to be by said order paid into the Generall Treasury, by the 20th day of July last past; but several towns have neglected to assess the said rates on their several inhabitants, which hath been much damage to the Collony for want of performance of the Assembly's Acts, having been at great charge in defence against the French in this Collony by sea, and have been delivered by a great providence of God, out of their hands, and other charges still arising in the defence aforesaid.

This Assembly taking the premises into their serious consideration, for want of moneys, as aforesaid, and finding that the town of Providence, the town of Portsmouth, the town of Warwick, the town of Westerly, Jamestown, Kings Town, and

Greenwich, have not proportioned their rates according to order ; and still neglect and refuse to perform the Acts as aforesaid, it is ordered by this Assembly, that three men in each town, to wit: Mr. Pardon Tillinghast, Mr. Edward Smith, Mr. Gideon Crofford, for the town of Providence ; Mr. Christopher Almy, Mr. Geo. Sisson, Mr. Geo. Lawton, Jun'r, for the town of Portsmouth ; Mr. Esreall Arnold, Mr. Peter Greene, Mr. Samuel Stafford, for the town of Warwick ; Capt'n Clement Weaver, Mr. John Heth, Mr. Thomas Fry, Jun'r, for Greenwich ; Capt'n Jeffrey Champlin, Mr. Samuel Albrow, Mr. Jeremiah Brown, for Kings Town ; Mr. Joseph Clarke, Capt'n William Champlin, Mr. John Maxson, for Westerly ; Capt'n Nicholas Carr, Capt'n Thomas Paine, Mr. Caleb Carr, for Jamestown, or the major part of any three in each town, are ordered and empowered by this Assembly, to proportion the said sums levied on each town by the Assembly's Acts, as aforesaid.

But the Assembly being concerned for the ancient privileges of every town in this Collony, that if they will proceed according to former custom forthwith, it will be accepted ; otherwise, it is required to be performed by the persons appointed as aforesaid, for each town to be proportioned ; and return thereof made to the Generall Treasurer of this Collony, by the 20th day of October next. And each person that is appointed to proportion the said assessments, to have three shillings per day for their pains, to be paid by the towns defective. And the neglect of the persons performing this Act, it is the resolve of this Assembly, that they and every of them so appointed as aforesaid, to proportion the said levy, neglecting the due performance thereof, shall pay out of their own estates the levy on each town to be proportioned by them, by warrant of distrain from authority.

Voted, Whereas the Governor and Council jointly and severally have commissioned Capt'n Thos. Paine, Capt'n Godfrey, and others, in the expedition for Block Island against the enemy ; as also have been at charge to supply the men of war that came from Boston, in pursuit of the enemies, and from New York, and for relief of captives, healing the wounded men, and

all other necessary charges concerning Capt'n Andrew Edmonds, that have been disbursed or engaged by any of the Magistrates repairing of vessel, and any other necessary charge concerning the war, it is ordered, being approved of by this Assembly, that all and every the said charges be paid out of the Generall Treasury, with all expedition, out of the levy made by this Assembly in May last past, upon the several towns in this Collony.

Voted, In answer to the petition of the town of Warwick, complaining that they are over-rated, but are willing to pay their equal proportions, the Court having seriously considered the matter, do find that the manner of rating of towns by guess is no suitable nor certain rule, but may prove very prejudicial; and therefore do determine that for the future, all rates that shall be made in this Collony, shall be made according to so much on the pound as the estates of persons are valued at.

And for the better effecting of the premises, it is desired, that betwixt this and the next Court in October next, to be held at Providence, that any of the members of this Court would draw up some rule for appraising of lands or cattle, to be valued, to know mens' estates by, and in order for the Court to give their determination, and in case upon examination of the matter, it doth appear that any town in this Collony hath been by guess over-rated, at the meeting of the Commissioners then it shall be abated out of the next proportionally.

Voted and ordered by this Assembly, Upon the petition of several free inhabitants of this Collony, that any one Magistrate of the Collony is authorized to send his warrant to a Constable to bring before him and another Magistrate, any debtor to the value of forty shillings, to answer the complaint of any person for debt or trespass as aforesaid, and it shall be in the power of two Magistrates to hear, issue and determine the same; only it shall be in the liberty of the party defective, to have his appeal to the Court of Tryall, paying the charge, and the Magistrate's charge in hearing and determining the cause or causes.

Voted, Ordered by this Assembly, and by the authority

thereof, that all ships and other vessels of what sort soever, above ten tons, that shall belong to any of their Majesties' Colonies, or Plantations whatsoever, except such ship or vessel belonging to this their Majesties' Collony of Rhode Island and Providence Plantations, shall pay for each and every ton that they shall measure, according to the tonnage of shipping, one shilling per ton ; or one pound of powder to be paid to the Deputy Collector of this Collony ; to be to the disposing of the Major of the Islands, or his order, for the support of a magazine for the Island's use, if they unlade or break bulk in this harbor of Newport.

Ordered, That the Clerk of the Assembly shall have five shillings of each town for copys of the Assembly's Acts, with the Seal of the Collony affixed.

Copy, per record.

WESTON CLARKE, Recorder.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Providence, 29th of October, 1690.

The Governor chosen Moderator of this Assembly.

Major John Greene chosen Clerke of this Assembly.

Voted by the Assembly, That he shall have power to make a Deputy therein ; and he made choice of Ephraim Turner, he being then there present.

And whereas, this Assembly being met, had determined to have a copy of the Charter read, but the Recorder and several of his family being sick of the small pox, whereby the Assembly is prevented from reading of it ; no copy attested being present, therefore have thought meet to make record wherefore they cannot now do it.

The Court adjourned till to-morrow morning, eight of the clock, and then to meet at the house of John Whipple, aforesaid.

30th October.

The Court met, and was called over, and after some agitation, adjourned in the afternoon for one hour ; where, when met again and called over.

Ordered by this Court, That forasmuch as the town of Providence, Greenwich, and Kingstown, by reason of sickness of the Recorder, and other more than ordinary occasion, have not had the orders of the last Court published so timely as the orders did require, that notwithstanding they shall stand good still; only allowing twenty days more after this present Court for performance thereof, either by the men nominated and appointed by said Court, at Portsmouth, or by the towns, if they please to choose ; and that return of the same be made to the Generall Treasurer within twenty days after this Court.

And it is further ordered, That whereas Mr. Jeremiah Brown is dead, that Mr. William Knowles and Thomas Mumford are chosen to be in his room, to join with Capt'n Jeoffrey Champlin and Mr. Samuel Alsbrough, to make the rate for the town of Kingstown, in case they neglect to choose rate-makers in time ; and to return it to the Treasurer, according to time prefixed ; and they, or the major part of them, to do it.

Whereas, there was a rate of three hundred pounds assessed upon the Collony at a Court of Election in May last ; and whereas the men of Warwick have levied and proportioned the said rate upon the people, dwelling at and about the place called Mashantotat, and several other persons dwelling on the north side of Pawtuxet river.

It is ordered, That what part of the said rate was levied on the said people dwelling at and about the place called Mashantotat, and all other persons also dwelling on the north side of Pawtuxet river, shall be and by this Act is remitted ; and all the said persons to be levied upon by and to the town of Providence ; and what was levied upon them by the town of Warwick. The said sum to be abated out of the said town of Warwick's rates by the said Assembly assessed.

The Court adjourned till to-morrow morning, eight of the clock.

31st of October.

The Assembly met and called over.

Upon a desire of Mary Edmonds, wife of Andrew Edmonds, that she may have six pounds allowed her in the absence of her husband, more than the six pounds formerly allowed her husband to have out of the rate of the town of Providence; her husband being now gone out in the wars for their Majesties' interest. The Court orders she shall have the said six pounds paid her out of the rate of the town of Providence, with the greatest expedition as the said rate can be gathered in.

Voted, That the Captains and commissioned officers of each Trained Band in this Collony have power to appoint their training days in their several towns upon each working day as they see cause, the Election day only excepted; and not omitting the number of days appointed by law for training days.

Voted, That there be a Committee chosen for the inspecting a way for the regular collecting of rates in the several towns in this Collony.

Voted, That the Committee above mentioned, be as followeth, viz.: of the town of Newport, Mr. Phillip Smith, Mr. Jonathan Holmes; of Providence, Mr. Gideon Croford, Mr. Nathaniel Waterman; of Greenwich, Capt'n Clement Weaver, Mr. Giles Peirce; of Westerly, Capt'n William Champlin, Mr. Joshua Holmes.

The said Committee's return was, that they conceive that there is law already sufficient for gathering of rates; leaving it to the Governor and Magistrates for the execution of the same; therefore it is enacted, the Magistrates, or any two of them, have full power to regulate any thing appearing defective therein; as by the law further it is enacted, that the Treasurer of each town in this Collony shall be a Deputy to the Generall Treasurer of this Collony. All these Acts are allowed of and approved by the Generall Assembly; and ordered, this be immediately published under the Seal of this Collony by beat of drum, and returned back to this Assembly; who hereby order, that Ephraim Turner, the Deputy Clerk of

this Assembly shall have five shillings paid unto him or his order, for a copy hereof, under the Seal of the Collony, by each town in the Collony, and he to send a copy thereof to each town, as soon as may be.

JOHN GREENE, Clerk.

Sir Edmund Andros's account of his administration and imprisonment.

To the Right Honorable, the Lords of the Committee for Trade and Plantations :

The state of New England and the government of Sir Edmund Andros.

That in the year 1686, Sir Edmund Andros was by commission under the great seal of England, appointed to succeed the President Dudley and Council in the government of the Massachusetts Collony, the Provinces of New Hampshire and Maine, and the Narragansett Country, to which were annexed the Collonies of Rhode Island, New Plymouth, and the County of Cornwall.

In the year 1687, the Collony of Connecticut was also annexed ; and in the year 1688, he received a new commission, for all New England, including the Province of New York, and East and West Jersey, with particular order and directions to assert and protect the five war-like nations or cantons of Indians lying west from Albany, above the heads of our rivers, as far beyond Maryland, viz. : Maquaes, Oneydes, Onondages, Caiuges, and Sennekes, as the King's subjects ; upon whom the French had made severall incursions, and to demand the setting at liberty severall of them surprised and detained by the French, and reparation for sundry goods taken from severall Christians, his Majesty's subjects, in the lawfull prosecution of their trade. Sir Edmund Andros, upon the receipt of his commission, went to New York, and Albany, of which the Indians having notice (although they were then met in Council about going to Canada), came thither, and were settled and confirmed under his government.

He forthwith signified to the Governor of Canada his Majesty's pleasure relating to the Indians, and made demand from him pursuant to the above orders, and also to quit a considerable Fort, which by encroachment he had built at Oniagra, in the Senneka's country, southward of the Lake, within his Majesty's dominion, about one thousand miles from Quebeck, in Canada (notwithstanding all the endeavors and opposition made by the Governor of New York, before the annexation), upon an advantageous pass near the Indians' hunting places, capable greatly to annoy and awe the Indians and obstruct and hinder the trade with them. That thereupon, the Governor of Canada did accordingly withdraw the garrison and forces from the said Oniagra, and those parts, and did further signify that the Indians by him taken were sent to France, but would write to the King, his master, about their releasement.

The severall Provinces and Collonys in New England, being so united, the revenue continued and settled in those parts, for the support of the government, amounted to about twelve thousand pounds per annum, and all places were well and quietly settled and in good posture.

The Church of England being unprovided of a place for their public worship, he did by advice of the Council, borrow the new Meeting House in Boston, at such times as the same was unused, until they could provide otherwise. And accordingly on Sundays, went in between eleven and twelve in the morning, and in the after-

noon about four; but understanding it gave offence, hastened the building of a Church, which was effected at the charge of those of the Church of England, where the chaplain of the souldiers performed divine service and preaching.

He was always ready to give grants of vacant lands, and confirm defective titles as authorized (the late Corporation not having passed or conveyed any, pursuant to the directions in their Charter), but not above twenty have passed the seal in the time of his government.

Courts of judicature were settled in the severall parts, so, as might be most convenient for the ease and benefit of the subject, and Judges appointed to hold the terms, and go the circuit throughout the dominion to administer justice in the like manner and form, and according to the laws, customs and statutes of the realm of England, and some peculiar local prudential laws of the country, not repugnant thereto; and fees regulated for all officers.

That particular care was taken for the due observance of the severall acts made for the encouragement of navigation, and regulating the Plantation trade, whereby the lawful trade and his Majesty's revenue of customs was considerably increased.

The Indians throughout the government continued in good order and subjection, until towards the latter end of the year 1688. By some unadvised proceedings of the inhabitants in the eastern parts of New England, the late rupture with the Indians there commenced, severall being taken, and some killed. When Sir Edmund Andros was at New York, more than three hundred miles distant from that place, and upon his speedy return to Boston (having viewed and settled all parts to the westward), great part of the garrison, souldiers with stores, and other necessarys were immediately sent eastward to re-inforce those parts, and vessels to secure the coast and fishery; and further forces raised and appointed to be under the command of Major Generall Winthrop; who falling sick and declining the service, by advice of the Councill, he went with them in person, and by the settlement of severall garrisons, frequent partys, marches and pursuits after the enemy, sometimes above one hundred miles into the desert further than any Christian settlement (in which the officers and souldiers of the standing forces always employed), taking and destroying their forts and settlements, corn, provision, ammunition, and canoes, dispersed and reduced them to the utmost wants and necessitys, and so secured the country.

That from the said forces going out, untill the time of the late revolution there, and disorderly calling the forces from those parts, not the least loss, damage or spoyl happened to the inhabitants or fishery; and the Indians were ready to submit at mercy.

About the latter end of March, 1688, Sir Edmund Andros returned for Boston, leaving the garrisons and souldiers in the eastern parts in good condition, and sufficiently furnished with provisions, and all stores, and implements of war, and vessels for defence of the coast and fishery.

On the 18th of April, 1689, severall of his Majesty's Councill in New England having combined and conspired together with those who were Magistrates and officers in the late Charter government, annually chosen by the people, and severall other persons, to subvert and overthrow the government, and instead thereof, to introduce their former Commonwealth. And having by their false reports and aspersions, got to their assistance the greatest part of the people, whereof appeared in arms at Boston, under the command of those who were officers in the said former popular government, to the number of about two thousand horse and foot, which strange and sudden appearance being wholly a surprise to Sir Edmund Andros,

as knowing no cause or occasion for the same. But understanding that severall of the Councill were at the Councill Chamber, where (it being the ordinary Councill day) they were to meet, and some particularly by him sent for from distant parts also there, he and those with him, went thither; and though (as he passed) the streets were full of armed men, yet none offered him or those that were with him the least rudeness or incivility; but on the contrary, usual respect. But when he came to the Councill Chamber, he found severall of the said former popular Magistrates and other chief persons then present, with those of the Councill, who had no suitable regard to him, nor the peace and quiet of the country. But instead of giving any assistance to support the government, made him a prisoner, and also imprisoned some members of the Councill and other officers, who in pursuance of their respective duties and stations, attended on him, and kept them for the space of ten months under severe and close confinement, untill by his Majesty's commands they were sent for England, to answer what might be objected to them; where, after summons given to the pretended agents of New England, and their twice appearance at the Councill Board, nothing being objected by them or others, they were discharged.

In the time of his confinement, being denyed the liberty of discourse, or conversation with any person, his own servants to attend him, or any communication or correspondence with any by letters, he had no particular knowledge of their further proceedings, but hath heard and understands:

That soon after the confinement of his person, the confederates forced the fort and castle from the officers that had the command of them, whom they also imprisoned, and dispersed the few souldiers belonging to the two standing companys then there, as they did the rest, when they recalled the forces employed against the Indians eastward, which two companys are upon his Majesty's establishment in England, in which service half a Company of the standing forces at New York being also employed, the officers were surprised and brought prisoners to Boston, and the souldiers dispersed, as the remaining part of them at New York were afterwards upon the revolution there. The other Company was and remained at Fort Albany, and are both upon establishment, to be paid out of his Majesty's revenue there.

And the confederates at Boston possessed themselves of all his Majesties' stores, arms, ammunition and other implements of war, and disabled their Majesties' man of war, the *Rose* frigate, by securing the Commander, and bringing her sails on shore; and at the same time having imprisoned the Secretary and some other officers, they broke open the Secretary's office and seized and conveyed away all records, papers and writings.

Those members of his Majesties' Councill that were in confederacy with the before mentioned popular Magistrates, and other chief actors in this revolution, took upon them the government by the name of a Councill, who not content with the inconveniency they had brought on themselves in the Massachusetts Collony, but to the ruin of the poor neighbors, on the 2th of April gave orders for the drawing off the forces from Pemyquid, and other garrisons and places in the eastern parts, far without the limits of their Collony, and where the seat of war with the Indians was, and to seize severall of the officers, and for calling home the vessells appointed to guard the sea coast and fishery, which was done accordingly; and the forces disbanded, when most of the souldiers belonging to the standing Companys there, were dispersed; of which, and their actings at Boston, the Indians having notice (and being supplied with ammunition and provision out of a vessell sent from Bos-

ton by some of the chief conspirators before the insurrection, to trade with them), they were encouraged and enabled to renew and pursue the war; and by the assistance of some French, who have been seen amongst them, and engaging of severall other Indians before unconcerned, increased their number, that in a very short time severall hundreds of their Majesties' subjects were killed and carried away captive.

The fort at Pemyquid taken, the whole county of Cornwall, the greatest part of the Province of Maine, and part of the Province of New Hampshire destroyed and deserted, and the principall trade of that country, which consisted of a considerable fishery, the getting of masts, yards, &c., for the supply of his Majesty's navy Royall, and boards, and other lumber for the supply of the other West India Plantations, is almost wholly ruined.

By the encouragement and persuasion of those of the Massachusetts, the severall other Provinces and Collonys in New England, as far as New York, have disunited themselves, and set up their former separate Charter or popular governments without Charter, and by that means the whole revenue of the Crown continued and settled in the severall parts for the support of the government, is lost and destroyed.

The usual time for Election of new Magistrates at Boston coming on, in the beginning of May, 1689, great controversy arose about the settling of civill government; some being for a new Election, and others, that the Magistrates chosen and sworn in 1686, before the alteration, should re-assume; the latter of which was concluded on by them, and the pretended representatives of the severall towns of the Massachusetts, and assumed by the said Magistrates accordingly; and thereupon, the old Charter government, though vacated in Westminster Hall, was re-assumed without any regard to the Crown of England, and they revived and confirmed their former laws contrary and repugnant to the laws and statutes of England; settled their Courts of judicature, and appointed new officers; and have presumed to try and judge all cases, civill and criminall, and to pass sentence of death on severall of their Majesties' subjects, some of whom they have caused to be executed.

Although in the revenue continued on the Crown for the support of the government, during his time, the country paid but the old established rate of a penny in the pound per annum, as given and practised for about fifty years past; the present administrators have, of their own authority, for not above six months, raised and exacted from the people of the Massachusetts Collony seven rates and a half.

Since this insurrection and alteration in New England, they do tolerate an unlimited irregular trade, contrary to the severall Acts of Plantations, Trade and Navigation, now as little regarded as in the time of their former Charter governments; they esteeming no laws to be binding on them, but what are made by themselves, nor admit English laws to be pleaded there or appeals to his Majesty, and many ships and vessels have since arrived from Scotland, Holland, Newfoundland and other places, prohibited; they having imprisoned his Majesty's Collector, Surveyor and Searcher, and displaced other Custom House officers.

That they sent to Albany to treat with the Indians in those parts, particularly with the Five Nations, Maques, &c., and invited them to Boston; which is of ill and dangerous consequence, by making the said Indians particularly acquainted with the disunion and separate governments; and showing them the country and disorders thereof, as far as Boston, giving thereby the greatest advantage to the French, of gaining or subduing the said Indians, and attempting Fort Albany (the most ad-

vanced frontier into the country and great mart of the Beaver and Peltry trade), and of infesting other parts.

The forces raised and sent out by them the last summer, notwithstanding the great encouragement they promised of eight pounds per head, for every Indian that should be killed, besides their pay, proved neither effectual to suppress the enemy, or secure the country from further damage and murther; and upon the winter's approaching, the forces were recalled, and the country left exposed to the enemy, who have already overrun and destroyed so great a part thereof; and now by the assistance of the French of Canada, may probably proceed further into the heart of the country; being so divided and out of order, unless it shall please his Majesty by his own authority to redress the same, and put a stop to the French and Indians, and thereby prevent the ruin or loss of that whole dominion of New England, and consequently of their Majesties' other American Plantations, endangered not only by the want of provisions, but by the many ships, vessels, seamen and other necessarys in New England, capable to supply and transport any force which may annoy or attempt those Plantations, but may be by his Majesty's authority and commands effectually settled and preserved, and of service against the French or any other their Majesties' enemies in those parts, with no greater land force than is necessary to be continued there; and a sufficient revenue raised to defray the charge thereof by dutys and rates as heretofore hath been practised amongst them, and is usuall in other their Majesties' Plantations.

Humbly submitted by

E. ANDROS.

At a General Assembly of this their Majesty's Collony of Rhode Island and Providence Plantations, being convened on adjournment, this 2d of August, 1692.

Upon debate of matters, do find that the principal occasion of our Honored Governor's calling the Assembly at this juncture of time, is by reason that the militia of this Collony is about to be brought into a great measure of confusion, if not timely prevented, so as to make way for the inlet of their Majesties' enemies; and upon the scrutiny of the matter, we find the beginning of it to arise from a letter sent to our Governor and Councill from his Excellency, Sir William Phips, some time after his arrival at Boston; said letter being dated June the 2d, last past, wherein his Excellency declared himself to be commissioned from their Majesties with the power of

Lieftenant and Commander in Chief of the militia, and of all the forces by sea and land, within their Majesties' several Colonies of Connecticut, Rhode Island and Providence Plantation, the Narragansett Country or King's Province, and the Province of New Hampshire; and further signifying his willingness to intrust the same in the hands of persons faithful to their Majesties, as may most conduce to their service and satisfaction of their good subjects: signifying also, that he desires and expects that some fit persons be instructed and speedily sent to attend him at Boston, with an account of the militia, and what further might appear necessary for their Majesties' service. And whereupon the Governor and Councill being convened, saw cause to commissionate Major John Greene, Deputy Governor, and Mr. Henry Brightman, Assistant, to treat with his Excellency concerning his commission, as also concerning the settling of a post office for intelligence, which said Commissioners attended about five days before they could have any treaty; and at length when they gave in their proposals, his Excellency said he would not give any answer without further advice, and then he would write to the Governor.

Whereupon, the said Commissioners returned, not obtaining a sight of his Excellency's commission, nor of an attested copy, neither hath our Governor received any letter from his Excellency since. But instead thereof, as we are credibly informed, his Excellency hath sent up severall commissions unto Major Peleg Sanford, endeavoring thereby to put the militia into the hands of most of them that disclaim their Majesties' authority here; thereby to depose great part of those commissioned officers that have stood up to support their Majesties' government and interest in this their Collony.

Therefore, this Assembly taking the premises into their serious consideration, and forasmuch as they have neither received so much as an attested copy from his Excellency, nor any Royal letters from their Majesties, but are in daily expectation thereof in answer to our last address, sent by Major Roger Holden,

and that their Majesties' militia in this their Collony and King's Province, be kept in a suitable posture of defence against their enemies.

Be it enacted by this Assembly and the authority thereof, that all the commissioned officers of the Trained Bands chosen on the Election days last past, throughout the whole Collony, do apply themselves to take special care that their several companies be kept in a suitable posture of defence against their Majesties's enemies, and that none of them do decline their places upon any pretence whatsoever, except by order of the Assembly of this their Majesties' Collony.

And whereas the town of Kingstown neglected to choose their commissioned officers the Election day last past, therefore, it is hereby ordered, that Capt'n Jeoffrey Champlin, Lieut. Thomas Eldridge and Ensign John Eldridge being the officers last chosen by the people, do by virtue of their former commissions officiate for the ensuing year ; as also whereas the town of Jamestown have neglected to choose their commissioned officers, it is further ordered, that Capt'n Thomas Paine be Captain for the ensuing year, and Mr. Nicholas Carr, Lieftenant, and George Cooke, Ensign ; and for Block Island, forasmuch as Capt'n John Saunders is removed off the Island, we give them power to choose their officers speedily, and return their names to be commissioned.

It is further ordered, That all the commissions formerly granted to the respective commissioned officers throughout the Collony, or King's Province, remain and be as effectual to all intents and purposes as if now granted ; and that forthwith commissions be given forth to such as are now elected, that so this Collony may be kept in a suitable posture of defence against their Majesties' enemies.

It is further ordered, That the Address drawn up to be sent to their Majesties, be signed by the Governor and sent away with what expedition may be.

Ordered, That these acts be forthwith published, under the Seal of the Collony, in the town of Newport, by beat of drum,

and be published in each town of the Collony and King's Province, with all convenient speed.

By order of the General Assembly, nemine contradicente.

JOHN EASTON, Recorder.

[There are no records among the public archives of the State, of the meetings of the General Assembly from this time to July, 1695.]

Address from Rhode Island to their Majesties William and Mary.

The humble address, remonstrance and petition of the Governor and Company of your Majesties' Collony of Rhode Island and Providence Plantations, or King's Province, in New England, sitting in Generall Assembly upon adjournment, August the 2d, 1692. Humbly sheweth:

That your petitioners have sent severall addresses to your Majesties, an answer whereunto, we have not as yet received.

That for want of some immediate answer from your Majesties, some male-discontented persons take occasion thereby to endeavor the subversion of your Majesties' government here, presuming to affirm that those persons commissioned by Sir Edmund Andros ought to continue untill some immediate order from the Crown of England.

That upon the coming over of his Excellency, Sir William Phipps, he writ a letter directed to your Majesties' Governor and Councill here, a copy whereof is herein enclosed, declaring himself to be empowered with the militia of this your Majesties' Collony, sending no copy of his commission, desiring us to send some persons to him, and to propose men, faithfull to their Majesties, to be commissioned, &c. Whereupon, your Majesties' Governor and Councill being convened, and perusing the letter, found that the grant was with respect to a statute made in the thirteenth year of the reign of King Charles the Second, of blessed memory; and upon perusal of our Patent granted by his then Majesty, bearing date from Westminster, July the 8th, in the fifteenth year of his reign, he gave the Governor and Company of his said Collony throughout the bounds and limits thereof, the sole power of the militia therein from him and successors, to them and their successors.

That nevertheless, we your Majesties' Governor and Councill, taking notice of your Majesties' good intentions towards us in the time of war for our better defence against the enemies, were willing to submit to your Majesties' commands when made to appear, and therupon chose and commissioned Major John Greene, Deputy Governor, and Mr. Henry Britemen, Assistant, to treat with his Excellency, concerning his commission, who carried with them a list of the commissioned officers of the trained bands, chosen by the order of the Collony, which they delivered; as also gave in a list of some of the principal persons, who together with some other their adherents were disobedient, and disclaimed this your Majesties' government, the copy of the return whereof is also herewith sent. But his Excellency, instead of sending an answer to the Governor, which he promised to do, be

sent up commissions to Major Peleg Sanford, endeavoring thereby to commissionate the most of them objected against, and thereby endeavoring to depose those severall of them that have stood up hitherto to support your Majesties' government here ; but the most of either of them do refuse to take such commissions, so that your Majesties' good intentions towards this your poor distressed Collony, in this time of war, is like to be subverted, and that which was proposed for better defence against the enemy, is like to make way for an inlet to the enemy if not timely prevented. Whereupon, your Majesties' Governor and Councill saw cause to order the Generall Assembly to be convened for the re-settling the militia, and to make application to your Majesties for redress herein, and the rather because our Commissioners, aforesaid, obtained not a sight of his Excellency's commission, nor of an attested copy.

That we humbly conceive the principall ground of these matters are occasioned by private interest ; some of the principall persons of his Excellency, Sir William Phipps, his Councillors, claiming interest to all the Narragansett country, by virtue of a mortgage made to Major Humphrey Atherton and associates, by the Narragansett Sachims severall years after their submission of themselves and lands to his Royall Majesty, King Charles the First ; which purchase and mortgage was condemned upon a hearing by his Majesty's Honorable Commissioners, in the year 1664, and since declared against by his then Majesty, King Charles the Second, of blessed memory, by his Royall letters to all the Collonies, bearing date from Whitehall, the 12th of February, 1678-9.

That by reason of these overtures in the militia, as aforesaid, severall persons of Kingstown, in the Narragansett Country, have in a riotous manner, rescued a prisoner (that was arrested for breach of your Majesties' peace), giving opprobrious speeches concerning the warrant granted forth by the Deputy Governor, and saying that they would answer for what they had done before Mr. Francis Brinley and Capt'n John Foanes ; both which were Justices commissioned by Sir Edmund Andros, under the late King James ; so that we are in great doubt, that if some speedy return come not immediate from your Majesties, what will be the issue ; but in the mean time shall endeavor what we can to reform such enormities.

That by reason of these overtures, we are discapacitated to raise monies for the support of your Majesties' government and interest against your enemies ; as also for sending a messenger to wait upon your Majesties, and to give a more ample relation of these matters.

That by reason hereof, a great part of the Narragansett Country and Niantick, unpurchased by the inhabitants of this your Majesties' Collony, remains a wilderness, unpossessed and unimproved, for want of settling. Whereof many of the inhabitants of this your Majesties' Collony, have been forced to remove to other Collonies for accommodation, and the said wilderness, which might accommodate Plantations, lay waste.

And lastly, we, your Majesties' most humble petitioners, do most humbly beseech your most Excellent Majesties' grace and favor, that you would please to send an immediate confirmation of your Majesties' government here, according to the limits and boundaries of our Patent and decision of the Commissioners, aforesaid, which may be a means not only to stop the mouths of your Majesties' disaffected subjects, but also to encourage your loyall subjects, to go on with more alacrity to support your Majesties' government here ; and we shall pray to God, by whom Kings do reign, to give your Majesty a long and prosperous reign over us, and a happy and speedy victory over your enemies.

By your humble petitioners, the Governor and Company of your Majesties' Collony of Rhode Island and Providence Plantations, or King's Province, in New England, convened in Generall Assembly at Newport, on Rhode Island, the 2d day of August, 1692.

JOHN EASTON, Governor.

To their Most Excellent Majesties, William and Mary, of England, Scotland, France, and Ireland, King and Queen, &c., to be most humbly presented at Whitehall, London.

Address of the Rhode Island Assembly to the King.

Most great and gracious Sovereign: We, the Generall Assembly of your Majesty's Collony of Rhode Island and Providence Plantations, in New England, in America, do beg leave to return our humble acknowledgements of your Majesty's grace and favor extended towards us, by sending your Royall letter unto us, bearing date from Whitehall, the 3d day of March, 1692-3, in the fifth year of your reign, the reception whereof, we humbly acknowledge, together with a letter from your Majesty's Governor and Commander in Chief of your Province of New York; wherein, according to your Majesty's directions, he sent to this your Majesty's Collony to choose a Commissioner, to meet with Commissioners from Virginia, Maryland, Pennsylvania, New England and Connecticut, to concert and agree upon a quota of men or money, for the defence of Albany; the time appointed for the meeting being the 4th of October, the very time of the reception of the letters, insomuch that it was impossible to make choice of and send a Commissioner to that meeting; whereunto, if time would have permitted, we should gladly have attended, not questioning but to have rendered a satisfactory account of our state and condition.

May it please your most Excellent Majesty, this your Collony is a frontier to your Collonies in New England, by sea; it being in the heart of the Collonies, and Block Island being the frontier thereof, hath been thrice attacked by the French, and once reduced by Capt'n Thomas Pain; being sent forth with a small Company, by your Majesty's Governor here, who ordered matters so prudently, that they killed many of the enemy, who

flying, sunk one of their prizes that they had taken, and made their escape. Capt'n Pain only lost one Indian, and had about five of his men wounded.

And this last summer, your Majesty's frigate called the *None-such*, being cruising in the Sound, off from Rhode Island, and espying a French privateer, which had been ashore on Block Island, plundering, immediately pursued, and took them in Monument Bay, near Elizabeth Islands, as they were upon the flight. And since the departure of your Majesty's said frigate, there hath been a French privateer, which being near Rhode Island, hath seized severall vessells; one of them belonged to Rhode Island, John Godfrey, master; whereupon your Majesty's Governor sent forth a brigantine, under command of Capt'n Peter Laurence, who having been forth to pursue after them, not finding them are returned; and this your Majesty's Collony being frontiers at sea, as your Majesty's fort at Albany is by land, are forced to be at very great charge, by watching and warding, and other ways being unprovided with suitable fortification for the upholding your Majesty's interest.

Most gracious Sovereign: we humbly take it as a favor, that you are pleased to command us, and shall be ready to obey to the uttermost of our abilities, with all alacrity.

May it please your Excellent Majesty: we have sent our addresses this last spring, by our messenger, Capt'n Christopher Almy, who we hope, if safe arrived, is waiting on your Majesty for your gracious acceptance of the same, wherein we gave your Majesty an account concerning the militia; as also petitioning your Majesty for a confirmation of our Patent, it neither being condemned, nor taken from us. Wherein we humbly beg your Excellent Majesty's grace and favor, and petition the God of heaven, as he hath hitherto preserved both your Majesties through the greatest difficulties, against your enemies, so he would please to give you victory over all your enemies, with a long and prosperous reign over your subjects here, and to reign with him everlastingly.

By your Majesties' most humble subjects, the Generall Assembly of your Majesties' Collony of Rhode Island and

Providence Plantations, in New England, in America, assembled at Warwick, October the 25th, 1693. By the Assembly's order.

WESTON CLARKE,

Clerk of the Assembly.

To their Most Excellent Majesties, William and Mary, of England, Scotland, France, and Ireland, King and Queen, and the dominions and territories thereof, to be humbly presented at Whitehall.

Christopher Almy's Petition to Queen Mary.

August 24th, 1693.

To the Queen's Most Excellent Majesty, and the Right Honorable the Lords of their Majesties' Most Honorable Privy Councill. The humble petition of Christopher Almy, one of your Majesty's most loyall and dutifull subjects of Rhode Island, in New England, sheweth.

That whereas, your petitioner is sent over hither, by the government of the said Island, and of Providence Plantations, purposely to represent their grievances to your Majesty, as is more particularly set forth in their humble address, directed to your sacred Majesty.

Your petitioner therefore (being come above four thousand miles to lay these matters before your Majesty as aforesaid), most humbly prays, that your Majesty will be graciously pleased to grant that the said address of the government of Rhode Island and Providence Plantations may be read before your Majesty, and to grant them such encouragment therein, as your Majesty, in your great wisdom and goodness shall think fit.

And your petitioners shall ever pray, &c.

At the Court, at Whitehall, the 24th of August, 1693.

By the Lords of their Majesty's Most Honorable Privy Councill:

Upon reading this day, at the Board, the annexed petition of Christopher Almy, together with the address of the government of Rhode Island and Providence Plantations, in New England, likewise annexed, concerning their grievances, more particularly set forth in the said petition and address; it is ordered in Councill, that the same be, and it is hereby referred to the Right Honorable, the Lords of the Committee of Trade and Plantations, for their Lordships' consideration, and to report their opinion to this Board, what is fit to be done therein.

WM. BRIDGEMAN.

Councill Chamber, the 15th of September, 1693.

The Right Honorable, the Lords of the Committee of Trade and Plantations, having received the address of the Governor and Company of Rhode Island and Providence Plantations, in New England, referred to the Committee by order of Councill of the 24th of August last, their Lordships have ordered the enclosed copy

to be sent to you for your opinion upon the matter contained therein, with relation to the Charter of that Collony.

I am also commanded to acquaint you, that their Lordships desire as soon as conveniently may be, to receive your report upon the severall Charters and grants of East and West New Jersey, Connecticut and Rhode Island, now lying before you, with a former reference from the Committee.

I am, Sir, your most humble servant,

JOHN POVEY.

Mr. Attorney Generall.

*Attorney General's Opinion upon the Address from Rhode Island,
of August 2, 1692.*

To the Right Honorable the Lords of the Committee of Trade and Plantations :

May it please your Lordships: In obedience to your Lordships' commands signified to me by Mr. Povey, for my opinion upon the matter contained in the annexed address of the Governor and Company of Rhode Island and Providence Plantations in New England, with relation to the Charter of that Collony.

I have perused the said address and a copy of the Charter (formerly sent to me by your Lordships' order, upon another occasion), and thereby it appears that by Charter of incorporation (made in the fifteenth year of the reign of his late Majesty King Charles the Second), divers persons therein named, and such other, that then were, or should thereafter be admitted and free of the Company or Society of the Collony of Providence Plantations in the Narragansett Bay, in New England, were incorporated by the name of the Governor and Company of the English Collony of Rhode Island and Providence Plantations, in New England, in America, and divers liberties, franchises, and priviledges were thereby granted unto them usuall to be granted unto corporations of like nature; and the boundaries of the said Collony are thereby described, and all the soyl, mines Royall, and other royalties and hereditaments within those boundaries, are granted to the said Corporation and their successors for ever, upon trust; for the use and benefit of themselves and their associates, freemen of the Collony, their heirs and assigns, to be held of the Kings of England, as of the Mannor of East Greenwich, under the fifth part of the gold and silver ore there gotten, and had, in satisfaction of all services; there is a clause empowering the Governor, or in his absence, the Deputy Governor and major part of the Assistants, for the time being, when the Generall Assembly shall not be sitting, to constitute Commanders and military officers, for settling, conducting, and training up the inhabitants in martial affairs, and for defence of the Plantations, and to exercise and put in warlike posture, lead and conduct the inhabitants for the defence and safety of the Plantations.

I find by some papers formerly sent me by Mr. Povey, that in the year 1686, there was a prosecution by a Quo Warranto, against the said Corporation; but I do not find there were any judgments thereupon, nor further proceedings had, than only sending over the writ, the return whereof was past before it came to them; but thereby it is mentioned that the Corporation would not contend with his then Majesty, and Sir Edmund Andros was in fact made Governor by King James, and continued so to be till their Majesties' happy accession to the Crown, and took upon him for some time after to continue so; but afterwards the Corporation re-assumed

their right and title to the said Collony and government thereof, by virtue of their Charter, which they still continue to do.

I find by a copy of the commission granted by their Majesties the 12th of December, 1691, unto Sir William Phipps, reciting the Act of Parliament made in the thirteenth year of the reign of King Charles the Second, for the militia, and that thereby the sole and supreme power, government, command and disposition of the militia and of all forces by sea and land, forts and places of strength belong to their Majesties; their Majesties for the better protection and security of the inhabitants in those parts, did constitute and appoint the said Sir William Phipps their Majesties' Lieutenant and Commander in Chief of the militia, and of all forces by sea and land, forts and places of strength in the said Collony (amongst other places there mentioned), during pleasure.

The petitioners, by their annexed address, and by Mr. Christopher Almy, their Agent here, do humbly represent that their Charter being granted since the making of the Act for the Militia, they thereby humbly conceive they have the power [for the] training and government of the militia in that Collony, and that the subsequent commission of Sir William Phipps, which was never so much as published, or made known by him amongst them, may be an occasion of great inconvenience and prejudice to their Collony, which is but small, and a frontier to the sea, and open to the enemy if he should command (as he already hath), severall men out of it, the whole number of the inhabitants being but sufficient for its defence, and humbly praying their Majesties' confirmation of their Charter and all the priviledges thereby granted; and that the east boundaries in their Charter of their Collony, which are something uncertain, may be ascertained and explained to extend three miles eastward of the most eastermost branch of the Narragansett Bay, called Assonet, and from thence south, till it meet with the ocean; and north to the old line of the Massachusetts Collony; which the inhabitants humbly conceive was the intent of the Charter, though obscurely expressed.

Nothing appears to me, but that the power given by that Charter to the government of the Collony to trayn and exercise the inhabitants of that Collony in martial affairs, as also the rest of the Charter is still in force. But how far Sir William Phipps' commission may influence that power and Charter, is humbly submitted. I see nothing in point of law but that their Majesties may (if their Royall pleasure be so, and no objection in point of State arise against it), gratify the petitioners, and confirm their Charter, and explain the eastern boundaries as is desired.

All which nevertheless, is most humbly submitted to your Lordships' great wisdom.

EDW. WARD.

December 7, 1693.

Letter from Rhode Island accompanying the Address.

Most Dread Sovereign: We, your Majesty's most humble subjects and supplicants, of your Collony of Rhode Island and Providence Plantations, in New England, have sent severall addresses, to your Majesties, signifying that we have since the late Revolution re-assumed the government under grace and favor, according to our Charter granted unto us by his late Majesty, King Charles the Second, of blessed memory; said Charter not being condemned nor taken from us, humbly petitioning your Majesties' grace and favor for a confirmation thereof; but as yet we have received no answer thereunto, for want whereof, we, your petitioners, cannot

so comfortably carry on the government for the upholding your Majesties' interest, and not knowing whether some of our addresses might miscarry, your petitioners have sent Capt'n Christopher Almy, of Portsmouth, on Rhode Island, our messenger, on purpose to wait on your Majesties for your gracious answer; and therefore we humbly petition your Most Excellent Majesties' grace and favor towards us, by granting a confirmation of your government here, according to our Charter, and the limits and bounds thereof, that so we may be capacitated to support your Majesties' subjects and withstand your enemies. And we humbly petition your Most Excellent Majesty, that whereas a difference hath arisen betwixt his Excellency, Sir William Phipps and this your Majesties' Collony, by prohibiting us for running the lines appointed to be run according to the boundaries of our Patent; we therefore do appeal to your Majesties for your decision thereof; and have sent our reasons and allegations, together with a plat thereof by our messenger, humbly waiting for your answer. And your petitioners shall pray to God to give you a prosperous reign over your subjects, and good success for the future, by land, as hath been already given you by sea, against your enemies.

By your humble subjects and supplicants, the Generall Assembly of
your Majesties' Collony of Rhode Island and Providence Plantations.

Newport, on Rhode Island, November the 22d, 1692. (Not signed.)

To their Most Excellent Majesties, William and Mary, of England, Scotland, France, and Ireland, King and Queen, and the dominion and territories thereto belonging, at Whitehall, London, to be humbly presented.

*Order of Council upon the Address from Rhode Island, concerning
the Militia.*

At the Court at Whitehall, the 2d of August, 1694. Present, the Queen's Most Excellent Majesty in Council.

Her Majesty having received the humble Address and Petition of the Governor and Company of their Majesties' Colony of Rhode Island and Providence Plantation, in New England, humbly representing that the petitioners had received advice from Sir William Phipps, Governor in Chief of the Province of the Massachusetts Bay, that he was empowered with the militia of the Colony of Rhode Island, the grant of which power to Sir William Phipps, the petitioners find to be with respect to the statute made the 13th year of King Charles the Second; and that the grant to the Governor and Company of Rhode Island and Providence Plantation, bears date in the 15th year of the reign of the same King; whereby the sole power of the militia is granted to the Company. And therefore humbly praying their Majesties' confirmation of their government, according to the boundaries of their Charter; which Address having been referred to the Right Honorable, the Lords of the Committee of Trade and Plantations, for their Lordships' consideration, and to report their opinion what is fit to be done therein; and the Lords of the Committee having received the report of Mr. Attorney and Mr. Solicitor Generall upon the said Address, and a petition in behalf of the Colony of Connecticut, in relation to the militia of those Colonies, and uniting their strength against the French, which report is in the words following:

May it please your Lordships: In obedience to your Lordships' commands signified to us by Mr. Blathwayt, the 2d of January, and the 3d of February last, by

which we were to consider the several Charters of Connecticut and Rhode Island, and the grants of East and West New Jersey, and to report our opinion upon the whole matter, what may be done for the uniting the strength of these Colonies and New York, under a Chief Commander, to be commissioned by their Majesties for the defence of their Majesties' subjects in those parts against the French; and also to consider the annexed copy of the petition of the Governor and Company of Connecticut, and to report our opinion thereupon.

We have considered the matters to us referred, and do find that King Charles the Second, by his Charter, dated the 23d of April, in the 14th year of his reign, did incorporate John Winthrop and several other persons therein named, and all others who then were or after should be admitted and made free of the Company, to be a Corporation by the name of the Governor and Company of the English Colony of Connecticut, in New England, in America, with such powers, priviledges, and capacities as are usually granted to Corporations of like nature, and to have continuance and succession for ever. And therein the bounds of the Colony are described and a grant thereby made to the Corporation, of all land and soyl, ground, havens, ports, jurisdiction, royalties, priviledges, franchises, and hereditaments, within the [Colony], or thereto belonging, to be holden to the Corporation and their successors, in trust, for the benefit of themselves and their associates, freemen of that Colony, their heirs and assigns, of the Kings of England, as of their mannor of East Greenwich, by the fifth part of the ore of gold and silver there found, with power to the Corporation to make laws, elect Governor, Deputy Governors, and Assistants, erect judicatures, and Courts, and choose officers for the civil government, and thereby also power is granted to the Chief Commanders, Governors and officers of the Company, and others inhabiting there by their leave or direction, for their especial defence and safety, to assemble, martial array, and put in warlike posture the inhabitants of the Colony, and to commission such persons, as they should think fit, to lead and conduct the inhabitants, and to encounter, resist, kill, and slay all that should attempt or enterprize the invasion or annoyance of the inhabitants or Plantations, and to exercise martial law, and take and surprize the invaders, or attempters of the Plantations or hurt the Company and inhabitants, and on just occasion to invade and destroy or other enemies of the country.

We also find, that King Charles the Second, in the 15th year of his reign, did incorporate divers persons by name, and such others as then were or after should be admitted and free of the Company, of the English Colony of Rhode Island and Providence Plantation, in New England, in America, and granted them in effect the like powers and authorities, both civil and military, as are before mentioned to be granted to Connecticut.

We find that the civil government in these Plantations or Colonies, executed the military powers conferred by the Charters, but that their Majesties in the third year of their reign, by their commission, constituted Sir William Phipps, Kn't, Lieutenant and Commander in Chief of the militia, and of the forces by sea and land, within the Colonies of Connecticut, Rhode Island, Providence Plantations, King's Province, and Province of New Hampshire, and all forts and places of strength in the same, with several powers and authorities; and that their Majesties by their commission, under the great Seal, dated the 10th of June, 1693, revoked so much of Sir William Phipps' commission and powers [as] related to the Colony of Connecticut, and by the same commission constituted Benjamin Fletcher, Esq'r, their Majesties' Captain General and Commander in Chief of New York, Pennsylv-

vania, New Castle, and the territories and tracts of land depending thereupon, to be the Commander in Chief of the militia, and of all forts and places of strength within the same, with power to levy, arm, muster, command, and employ the militia of the said Colony, and upon any necessary and urgent occasion during this war, to transfer to the Province of New York and frontiers of the same for resisting and withstanding enemies, pirates and rebels, both at land and sea, and defence of that Province and Colony, of which commission and the large powers therein contained, as to the Colony of Connecticut by their annexed petition do complain and pray redress against the exercise of it in such manner over the whole militia, and therein show their reasons against it.

We have heard Collonel Winthrop and his Council on the behalf of the Colony of Connecticut, and Mr. Almy and his Council on the behalf of Rhode Island and Providence Plantations, and Dr. Cox appeared on the behalf of East and West New Jersey, and produced some writings, showing how the same were granted out from the Crown to the Duke of York, and by the Duke of York and others. But the Dr. not claiming any title to himself, it doth not appear to us in whom the estate in law of those places or of the government thereof, civil or military, doth now reside, nor how the same is exercised.

But having received the annexed estimate from Mr. Blathwayt, we communicated the same to the Agents for Connecticut, Rhode Island and Providence Plantation, who declared their readiness during times of danger to provide their respective quotas therein contained, and in cases of increase of danger or other necessary occasions during the continuance thereof, their respective quotas to be proportionably increased with other Colonies; but as to the remaining militia beyond the quotas (which it seems in those countries consists of all males between sixteen and sixty years of age), they humbly desire that it may remain under the ordinary and usual government and command of the Colonies according to their Charters, and not to be commanded out unless in times of actual invasion or imminent danger, for the security and necessary preservation of some of the Colonies, and at such times only, when such of the Colonies, whereout the forces shall be drawn are not in danger, and that at all times a sufficient power of the militia may be always kept in each Colony under the power of the governments of it, for the safety and necessary preservation thereof.

We are humbly of opinion that the Charter and grants of those Colonies, do give the ordinary power of the militia to the respective governments thereof; but do also conceive that their Majesties may constitute a Chief Commander, who may have authority at all times to command or order such proportion of the forces of each Colony or Plantation as their Majesties shall think fit; and further in times of invasion and approach of the enemy, with the advice and assistance of the Governors of the Colonies to conduct and command the rest of the forces for the preservation and defence of such of those Colonies as shall most stand in need thereof, not leaving the rest unprovided of a competent force for their defence and safety. But in time of peace, and when the danger is over, the militia within each of the said provisions ought, as we humbly conceive, to be under the government and disposition of the respective Governors of the Colonies, according to their Charters.

All which, nevertheless, is most humbly submitted to your Lordships' great wisdom.

April 2, 1694.

EDW. WARD,
THO. TREVOR.

The Lords of the Committee having on the 21st of April last, presented the said

report at the Board, whereupon directions have been already given in relation to the militia of Connecticut, and their Lordships having this day humbly represented their opinion that a quota, not exceeding forty-eight men may be the measure of the assistance to be given by the Colony of Rhode Island and Providence Plantation at all times during the war, to be commanded by the Governor in Chief of New York, for the defence of that Province as occasion may require the same, and having thereupon humbly moved, that suitable directions may be sent to the Governor of the Province of the Massachusetts Bay, and the Governor of the Colony of Rhode Island and Providence Plantations, in relation to the command of the militia of the said Colony; and to the Governor of New York, in relation to the quotas of men or other assistance to be given by that Colony in like manner as the same has been ordered to be given by the Colony of Connecticut, and that the matter of the boundaries of the Colony of Rhode Island, be referred to all the members of the Council of New York, as Commissioners, to examine the same, according to the draught of a commission presented by their Lordships at the Board. It is this day ordered in Council, that suitable directions be sent to the Governor of the Province of the Massachusetts Bay, the Province of New York, and the Colony of Rhode Island and Providence Plantation, as is proposed by the Committee, and that a Commission be passed under the great Seal of England, to all the members of the Council of New York, empowering them to examine the boundaries of the Colony of Rhode Island, according to the draught hereunto annexed; and the Right Honorable Sir John Trenchard, Knight, their Majesties' Principal Secretary of State, is desired to prepare for her Majesty's Royal signature, letters for the signification of her Majesties' pleasure herein, to the Governor of the Massachusetts Bay, New York, and Rhode Island, with a warrant for passing the said Commission, accordingly.

Queen Mary to the Governor and Council of Rhode Island relating to the Militia.

M. R.

Trusty and well beloved: we greet you well. It having been represented unto us by your humble address and petition, that our Commission to our trusty and well beloved Sir Wm. Phipps, Knight, Governor in Chief of our Province of the Massachusetts Bay, in New England, whereby he is empowered to command the militia of our Colony of Rhode Island and Providence Plantation, being with respect to the statute made in the 13th year of the reign of our Royal uncle, King Charles the Second, of blessed memory; by the Charter to the Governor and Company of our said Colony, bearing date in the 15th year of our said Royal uncle, the sole power of the militia is granted to the said Company, you having therefore humbly prayed our confirmation of the government of our said Colony according to the boundaries of the said Charter; and whereas, out of our great care and tenderness for the preservation of all our loving subjects as well in their rights and privileges as for the security of their persons and estates.

We having referred the consideration of the said petition and address to the Lords of our Privy Council, appointed a Committee of trade and Foreign Plantations, who have consulted our Attorney and Solicitor General what may be done

by us for the uniting the strength of our said Colony of Rhode Island and Providence Plantation, and the adjacent Colonies, for the defence of our subjects in those parts against the French, and our said Committee having presented unto us the opinion of our said Attorney and Solicitor General thereupon, that we may constitute a Chief Commander, with authority to command or order such proportion of the forces of each of our Colonies as we shall think fit. And further in time of invasion and approach of the enemy, with the advice and assistance of the Governors of the Colonies, to conduct and command the rest of the forces for the preservation and defence of such of our said Colonies as shall most stand in need thereof, an authentick copy of which report you will herewith receive.

We have thereupon further signified our pleasure to our said Governor of our Province of the Massachusetts Bay, that in the execution of the powers granted to him by our said Commission, he do not take upon him any more than during war to command such quota or part of the militia of our said Colony, as we shall at any time direct as occasion may require the same, except in case of imminent danger of an actual invasion of the enemy; in which case we have directed him, that with the advice of the Governor of our said Colony, he conduct and command the rest of the forces of our said Colony, for the preservation of our said Colony, or of such other of our adjacent Colonies as shall most stand in need thereof; he taking care that he do not leave our said Colony of Rhode Island and Providence Plantation unprovided of a competent force for the defence and safety thereof.

And it having been further represented unto us, that notwithstanding the signification of our pleasure to our several Colonies and Provinces in the northern parts of America, the 11th day of October, 1692, to be aiding and assisting to our Governor and Commander in Chief of our Province of New York, for the defence and security of our said Province against the attempts of our enemies, and to agree upon a quota of men or other assistance to be given by each of our said Colonies or Provinces, for the defence and security of our said Province of New York, some of our said Colonies or Provinces having omitted to send Commissioners to adjust the quotas to be furnished by them respectively, nothing hath been done therein; we have thereupon thought fit to appoint the several quotas of men or other assistance to be furnished by our said Colonies and Provinces respectively, for the defence and security of our said Province of New York. And accordingly we do hereby signify our will and pleasure unto you, that a quota or part of our militia of our Colony of Rhode Island and Providence Plantation, not exceeding forty-eight men, be the measure of the assistance to be given by our said Colony for the defence and security of our said Province of New York, which we do hereby require and command at all times upon application of our Governor or Commander in Chief of our said Province, to provide and send to be under his command and direction, for the defence of our said Province of New York accordingly. We having also given especial directions to our said Governor or Commander in Chief of our said Province, not to demand or require at any time a greater part of the said quota of our militia of our said Colony of Rhode Island and Providence Plantation, than he shall in proportion demand or require of the quotas of the rest of the adjacent Colonies, respectively. And so not doubting of your ready and cheerful obedience to our Royal pleasure, in a matter wherein the security and preservation as well of our good subjects within our Colony of Rhode Island and Providence Plantation, as of all our

loving subjects inhabiting in those parts of America is so much concerned. We bid you farewell.

Given at our Court, at Whitehall, this 21st day of August, 1694, in the sixth year of our reign.

By her Majesty's command.*

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 2d day of July, 1695.

Capt'n Jonathan Holmes, Mr. William Cory, Mr. Jonathan Sprague, Mr. Thomas Greene, Mr. John Heath, Capt'n Joseph Daniel, Mr. Joseph Hull, are by this Assembly appointed a Committee, they or the major part of them, to inspect the former rate of three hundred pounds, what is behind unpaid, and how it shall be gathered and paid, and propose a method by rating each person to the value of his estate two pence per pound, by the best method they can find, and make return to this Assembly.

The return of the Committee for proposing a method for rateing each person, being under their hands was passed by vote of the General Assembly, to stand as an act of said Assembly; and that the said rate by each person rated, shall be paid into the General Treasury by the 20th of August next, in ready money; or wool, at seven pence half penny per pound; butter, at four pence per pound; Indian corn, at two shillings per bushel; rye, at two shillings, three pence; pork, the barrel, one pound, eighteen shillings.

First. We therefore propose this way be for the rateing all lands and meadows and merchants, tradesmen and housings in this Collony: that every town shall yearly choose two or three

* J. Carter Brown's Manuscripts, Nos. 278, 294, 296, 298, 299, 300, 301, Vol. IV, and Nos. 15, 17, Vol. III.

able and honest men, to take the view of each of their inhabitants of their lands and meadows ; and so to judge of the yearly profit at their wisdom and discretion ; and so also of merchants and tradesmen, and to make this part of the rate according to the yearly profit ; or as they, where they shall have had a more narrow inspection into the lands and meadows, shall see cause to set by the acre.

And it is further ordered, That the Magistrates of each town do, with all expedition, warn in the respective towns to meet and elect three men of their town to give forth order to each person in their town, to bring in the proportion of their estates which they are to inspect, and make their assessment accordingly. But in case any persons do refuse or neglect to bring in the value of their estates, then the said elect men, shall according to the best of their understanding, rate them at their discretion ; and that the Constables of each town shall give warning and collect the said rate, and bring it in to the General Treasurer, and what charge they are at for transportation, shall be paid by the General Treasurer ; and in case the said Constables do fail of gathering and bringing the said rate at the time prefixed, their estates shall be responsible.

And it is further ordered by the said Assembly, That there be a Commissioner chosen in each town, to meet with the men that shall be chosen in each town, to assess the said rate of two pence per pound, and to adjust the proportions, and sign with each Committee, and return the same to the General Treasurer.

Forasmuch as the late levy of three hundred pounds, assessed on this Collony, hath been neglected to be collected and paid ; it is determined that that should be first gathered, notwithstanding the present levy of two pence per pound upon mens' estates.

And it is further ordered, The Governor and Assistants, or the major part of them, dwelling on Rhode Island, do forthwith inspect into the rates on the Island ; and to determine who are behind, except what they shall allow of, and thereupon to give order unto the Constable that shall except, or to give order to

a special Constable to seize the same, with full order in case they meet with opposition, to hire men at two shillings and six pence per day, and to distrain for the full charge, as well as for the rate itself.

And it is further ordered, That the Deputy Governor and the Assistants, or major part of them on the main land, have the like power to act and do, to all intents and purposes; always provided, this Act shall not be prejudential to future rates.

Whereas several and most of the inhabitants, freemen of this Collony are dissatisfied that the Collony House is improved to other uses than what it was built for: therefore, upon consideration thereof by this Assembly, and to settle the House for the use it was built, do hereby order and declare, that the said Collony House, in Newport, shall not be improved for any other use than judicial and military affairs; and not for any ecclesiastical use or uses of that nature.

Mr. Joseph Jencks, Assistant, Capt'n James Barker, Assistant, Mr. Jonathan Sprague, Capt'n Jonathan Holmes, Mr. John Smith, Surveyor, are chosen to run the eastern line of our Collony, and [it is] left to the discretion of the persons above said to run it according to the best of their understanding, according to the boundarys of the Patent. But in case they meet with such hostile opposition from the government of the Massachusetts, that they cannot proceed, then to desist and make return thereof to the government; and the time to be the 16th of July instant, if the weather hinder not, or else the next fair day, at the house of Jno. Read, of Freetown.

Mr. Thomas Olney, Capt'n Arthur Fenner, Mr. Richard Arnold, are chosen to run the northern line of this Collony, according to the best of their understanding, according to the bounds of the Patent; if the gentlemen commissioned from Connecticut and they can agree with the men commissioned from the Province of the Massachusetts Bay: if either of the persons above mentioned, should fail or be sick, then the Governor and Deputy Governor, or either of them, shall appoint men in their room.

And further, for the several prices of cattle and other creatures, that are rateable, mentioned in this Act.

	£	s.	d.
As all oxen, four years old and upwards, at per ox,	00	00	06
All steers, three years old, and all cows three years old and upwards	-	-	-
	-	00	00
		04	
All two years old,	-	-	-
	-	00	00
		02	
All year old,	-	-	-
	-	00	00
		01	
All sheep at one year old and upwards, by the score,	00	00	10
All swine at one year old and upwards, at	-	00	00
		01	
All horses and mares three years old and upwards,	00	00	06
All two years old horses and mares,	-	00	00
	-	02	
All year old,	-	-	-
	-	00	00
		01	

Voted, Ordered, that upon the proclamation of these Acts, under the Seal, this Assembly shall be dissolved.

Voted, Ordered, that a copy of these Acts be sent to each town, and the Recorder to have six shillings per copy from each town.

A true copy, as attest, WESTON CLARKE, Recorder.

Letter from Governor Carr to Governor Fletcher, of New York.

Newport, July the 5th, 1695.

Honored Sir: Your lines, bearing date from New York, June the 17th, 1695, was received by our Honored Governor the 28th of June, of aforesaid, and was by him communicated to the Generall Assembly of this his Majesties' Collony of Rhode Island and Providence Plantations, assembled upon adjournment, the 2d of July instant; and upon perusal of your letter, and thereupon causing their Majesties' letter to be read. And upon a serious perusall thereof, do find that according to the opinion of the Honorable Generall Attorney and Solicitor Generall, in their report, made to the Right Honorable the Lords of the Committee of Trade and Foreign Plantations, our Charter, granted by King Charles the Second, of blessed memory, being good in law, is ratified by her Majesty, with a gracious promise in answer to our address, manifesting their great care and tenderness for their preservation of all their loving subjects, as well in their rights and priviledges, as for the security of their persons and estates.

And furthermore, they declaring their opinion, that their Majesties may constitute a Chief Commander, who may have authority at all times to command or order such proportion of the forces of each Collony or Plantation, as their Majesties shall think fit.

And further, in time of danger and approach of the enemy, with the advice and assistance of the Governors of the Collonies, to conduct and command the rest of

the forces for the preservation and defence of such of those Collonies as shall most stand in need thereof, not leaving the rest unprovided of a competent force for their defence and safety ; which their Majesties accordingly in said Royall letter have graciously taken extraordinary care concerning the same.

We also find in said Royall letter, that their Majesties have ordered, that by reason of an omission of some of the Collonies attending their Majesties' directions in answer to their Royall letter, bearing date from Whitehall, the 11th day of October, 1692, wherein we were required to be aiding and assisting to their Majesties' Governor of New York, for the defence and security of their said Province of New York, against the attempt of their enemies, and to agree upon a quota of men or other assistance to be given by each of their said Collonies or said Provinces, for the defence and security of their said Province of New York, and that nothing hath been done therein. But in our humble address, we declared our omission to be occasioned through impossibilities, because we received not her Majesty's Royall letter, nor your Excellency's letter, untill the very day appointed for our Commissioner to meet at New York. But upon that omission thereupon, her Majesty thought fit to require the severall quotas of men or other assistance to be furnished by their said Collonies or Provinces, respectively ; and further declare that a quota or part of their militia of their Collony of Rhode Island and Providence Plantations, not exceeding forty-eight men, to be the measure of the assistance to be given by said Collony for the defence and security of their said Province of New York, and that we are required at all times upon application of their said Governor and Commander in Chief to respond thereunto.

And forasmuch as your Excellency is pleased by virtue thereof, to demand and require the said quota of men, the necessity whereof we know not at this juncture of time ; neither is it suitable to us to question the same. Nevertheless, we propose the severall quotas of men, or other assistance, to be sent for New York, accordingly, whether you will please to accept of some other reasonable assistance in computation of said forty-eight men. But nevertheless, in case your Excellency, notwithstanding, shall shall cause to require said forty-eight men, we in obedience to their Majesties' command, shall use our best endeavors to respond thereunto upon your further intimation thereof, according to the proportion of other of their Majesties' Collonies and Provinces. And so we take leave, being ready to serve you wherein you serve his Majesty.*

CALEB CARR, Governor.

To his Excellency, Benjamin Fletcher, Esq'r, Governor and Commander in Chief of his Majesty's Province of New York.

Mr. Secretary Clarke to Governor Fletcher, of New York.

Sir : Your lines last received, date not mentioned, were communicated to us of the Councill by our Honored Governor, wherein you are pleased not to accept of some other reasonable assistance in computation of forty-eight men, signifying the men are wanting for his Majesty's service. In part answer, we declare, that the General Assembly of this his Majesty's Colony, in order to respond to your commands by your former letter, appointed and commissioned men to run the lines of the eastern

* New York Colonial Mss., Vol. XL. 39.

boundaries of the Collony, that so according to her late Majesty's letter, the quota not exceeding forty-eight men, should be in readiness. But they were forcibly withstood by order from the Lieutenant Governor of the Province of the Massachusetts Bay. And instead thereof, writ to us to commissionate some to treat with them what our quota should be towards their assistance. All which considered, we must be left wholly unprovided to withstand his Majesty's enemies, and expose his Majesty's interest and his good subjects here to the fury of the enemy. We are in daily expectation of our Agent, Capt'n Christopher Almy's return, by whom we do expect to receive further orders concerning [the] boundaries of our Patent.

The Generall Assembly of this his Majesty's Collony, and by appointment of the Patent, to sit the last Wednesday in October next, where we shall communicate your lines last received, and from you may receive a further answer. And in the mean time take leave, and shall be ready to serve you where you serve his Majesty.*

Signed by order of the Generall Councill, sitting in Newport, Rhode Island, the 4th day of September, 1695.

WESTON CLARKE, Secretary.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Warwick, 30th of October, 1695.

Major John Greene, Deputy Governor, chosen Moderator of the Assembly.

The Recorder and Generall Sergeant being absent, Hugh Stone deputed the Generall Sergeant's Deputy, engaged.

Joseph Jencks, chosen Clerk of the Assembly.

Ordered, That the Charter be read to-morrow morning in the first place. And the Assembly is adjourned to eight of the clock in the morning, the 31st of October.

October 31.

The Court called.

Voted, The Charter openly read in the Assembly.

Capt'n Christopher Almy's letter ordered to be read, and was openly read in the Assembly.

* New York Col. Mass., XL. 66.

Voted, The remonstrance of the Governor, Mr. Caleb Carr, and the Deputy Governor and Magistrates read in Court, and [ordered] to be considered by the Deputies.

Voted, Major John Greene, Joseph Jencks, Capt'n Benjamin Gorton, Mr. Jonathan Sprague, are appointed a Committee to draw up a letter in answer unto the Governor of [New] York.

Voted, The Court adjourned unto eight of the clock in the morning.

November the 1st.

The Court called.

The Committee having returned the draught of a letter in answer to the Governor of [New] York, his letter is referred to our Governor, having no date.

Voted, Major John Greene is appointed to draw up said letter fair, and take care for the sending the same with what speed may be.

Voted, The Court is adjourned unto eight of the clock in the morning.

November 2.

The Court called.

Voted, Whereas, there hath been great inconveniency in towns by reason of certain numbers appointed to hold meetings, without which number the King's business hath been hindered; this Court taking the matter into consideration, do enact, that from henceforward, in all the towns in this Collony, when there is warrant for choosing of Deputies and jury men from the Governor or Deputy Governor, to serve in Courts, that in such cases, and only in such cases, it shall be lawfull for so many freemen as shall be there present, to be a lawfull meeting to do any such business as aforesaid, being lawfully warned thereunto; the hour being appointed at eight of the clock, and not such a number then present as by former towns' orders, it shall be then lawfull for so many as shall be present at twelve of the clock, to be a lawfull meeting for doing such business as concerns the King's business.

Voted, Capt'n William Champlin, of the town of Westerly, is by this Assembly chosen and appointed Conservator of the

Peace in said town, in the room of Mr. Tobias Sanders deceased.

Voted, That whereas some difference doth appear betwixt the town of Kingstown and the town of Westerly, concerning bounds of jurisdiction, this Assembly do declare, that Ensign John Crandall, and Peter Wells, together with others there settled, some of them having formerly paid duties to Kingstown, that they are to be within the jurisdiction of Kingstown, untill further order.

Voted, This Assembly being sensible of the want of a prison on the main land, do order, that there be a prison built in Providence, for securing delinquents; and the charge thereof to be borne by the town of Providence at present.

Voted, Ordered, by this Assembly, upon the complaint of Daniell Willcocks, concerning the outrage committed by Samuel Gallops, Sheriff of Bristol county, at Little Compton, notwithstanding the appeal made to his Majesty, Major John Greene is ordered, in behalf of the Assembly, to write in their behalf to the Lieftenant Governor.

It is further ordered, That whereas a writing was presented by John Warner, concerning lands in the Narragansett country, that no disposition of lands be, before that considered in the first place.

Voted, Ordered by this Assembly, that Major John Greene, and Mr. Joseph Jencks, are appointed to make and proportion this present rate upon the inhabitants of Mashanticut, and this act not to be prejudicial for the future.

Voted, Whereas complaint was made to this Assembly now sitting at Warwick, at the house of Mr. John Low, this 30th of October, 1695, by the Honored Governor, Deputy Governor, and the rest of the Assistants, as more fully is made to appear by their remonstrance, bearing date October 30, 1695, of the great necessity of raising money for a messenger, Capt'n Christopher Almy; who hath now sent for one hundred pounds of sterling money of England, as appears by his letter read in this Assembly, for the paying of fees and other necessary charges, we having taken it into consideration, and finding the privi-

ges of our Collony, for want of aid money, to be in great danger, and for prevention of which,

It is enacted and ordered by this Court or Assembly, and authority thereof, That there shall be a tax laid upon all our inhabitants of this his Majesty's Collony of Rhode Island and Providence Plantations, viz.: of a penny on the pound, according to the true value of every man's rateable estate. And this money so raised, shall be in speciall for the said messenger and not otherwise to be disposed, till the said messenger shall be satisfied of this his demands; and if there be any overplus, it shall be to answer where the Collony is indebted.

And for a method for the levying of this said rate:

We enact and order, That the Magistrates of every respective town shall by warrant forthwith warn in the inhabitants of each town, to choose two or three honest and able men to take a true list of every man's rateable estate; and of all lands and meadows, housing, merchants and tradesmen, shall be by these said men rated at their wisdom and discretion, according to the yearly profit. And for negro servants and cattle, we set these certain prices, for these men to make this rate by:

As oxen, four years old and upwards, at three pence per head,	-	-	-	-	00 00 3 0
Steers, three years old, and all cows at two pence per head,	-	-	-	-	00 00 2 0
All two year old, a penny per head,	-	-	-	-	00 00 1 0
All year old, at half penny per head,	-	-	-	-	00 00 0 1
All sheep at one year's old and upward, at five pence per score,	-	-	-	-	00 00 5 0
All swine above a year old, at a half penny per head,	-	-	-	-	00 00 0 1
All horses and mares above three years old, at three pence per head,	-	-	-	-	00 00 3 0
All two years old horses and mares, at one penny per head,	-	-	-	-	00 00 1 0
All year olds, at a half penny per head,	-	-	-	-	00 00 0 1
All negro men servants, per head,	-	-	-	-	00 01 8 0
Negro women servants, per head,	-	-	-	-	00 00 10 0

Further, we order, That the Constables of each town having warrant from a Magistrate and Conservators, shall collect and gather in said rate and bring it in to the Generall Treasurer, by the 25th of December next, where he shall have his charges disbursed for transportation; and upon any neglect hereof, [by] said Constables, their estate shall respond.

And whereas, complaint hath been made to this Assembly of the thinness of the Assemblys, whereby the Collony's business is neglected, for prevention of which,

It is enacted and ordered by this Assembly and the authority thereof, That there shall be a certain salary for the Governor, Deputy Governor, and for every Assistant, annually, to wit: ten pounds a year for the Governor, and six pounds for the Deputy Governor, and four pounds a year for every Assistant, to be paid by the Treasurer.

We also enact and order, That every Deputy shall be allowed three shillings a day for their service in the Generall Assembly.

And if any of said Deputies shall neglect or refuse to appear in their Majesties' Courts of Generall Assemblys, to serve therein, for every such default, they shall pay into the Treasury six shillings a day.

It is further enacted and ordered, That if any person shall upon lawful notice given to them, refuse or neglect to bring in a list of their rateable estate to the said persons so chosen to make this rate; for this their default, the said persons so chosen, shall rate them at their wisdom and discretion.

Voted, Ordered, that a copy of these acts of the Court be sent to each town, under the seal of the Collony; and the Clerk to have for each copy six shillings, in or as money, and to send said copies with all expedition may be.

Voted, Ordered, that the acts of the Court be published in the open street, under the seal of the Collony, by beat of drum.

Voted, The Assembly, upon the publication of the acts, is dissolved. A true copy, attest, JOSEPH JENCKS, Clerk.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 5th of May, 1696.

Mr. Walter Clarke, Governor.

Major John Greene, Deputy Governor.

ASSISTANTS.

Mr. Benedict Arnold,
Capt'n Samuel Cranston,
Capt'n James Barker,
Mr. Joseph Jencks,
Mr. Stephen Arnold,
Mr. Henry Brightman,
Mr. Giles Slocum,
Mr. Benjamin Smith.
Mr. William Gibson,

Capt'n Jeoffrey Champlin.

RECORDER.

Mr. Weston Clarke.

SHERIFF.

Capt'n Tho. Townsend.

GENERAL TREASURER.

Lieut. John Holmes.

DEPUTIES.

For Newport.

Capt'n Jonathan Holmes,
Capt'n John Stanton,
Mr. Jeremiah Clarke,
Mr. William Peckham,
Lieut. Tho. Weaver.
Mr. Tho. Gould.

For Providence.

Mr. Tho. Olney,
Mr. Richard Arnold,
Mr. John Spragge,
Lieut. John Dexter,

For Portsmouth.

Mr. John Coggeshall,

Mr. Joseph Sheffield,

Mr. Wm. Cory,

Mr. Isaac Lawton,

For Warwick.

Mr. Benjamin Barton,

Mr. John Carder,

Mr. James Greene, Jun'r,

Mr. Randall Holden.

For Westerly.

Capt'n William Champlin,

Mr. Nicholas Cotterell.

For New Shoreham.

Mr. Joshua Raymond.

DEPUTIES.

For East Greenwich.

Mr. Lodowick Updike.

Capt'n Thomas Fry,

For James Towne.

Mr. John Spencer.

Mr. Nicholas Carr,

For Kings Town.

Mr. Ebenezer Slocum.

Mr. Andrew Willet,

The Governor chosen Moderator of this Assembly.

The Recorder chosen Clerk.

Peter Greene, James Greene, Jabesh Greene, Robert Potter, Nathaniel Gorton, Phillip Sweet, James Sweet, James Briggs, Jno. Rice, Jun'r, Rufus Greene, Jno. Waterman, Peter Stone, Jno. Lippitt, John Condlong, Samuel Gorton, Jun'r, Jno. Gorton, Jun'r, Wm. Collings, Edw. Carter, Jno. Warner, Jun'r, Samuel Wickham, Tobias Brown, Robert Hudson, Wm. Potter, Jno. Tripp, Jun'r, Benj. Potter, Tho. Cornell, Jun'r, George Cornell, Jeremiah Lawton, Adam Lawton, Peter Barker, Samuel Thurston, Jno. Stanton, Jun'r, Joseph Palmer, William Phillips, John Phillips, George Hazard, Stephen Hassard, Rob't Hassard, Stephen Willcock, Thomas Willcock, Enoch Place, Benoni Sweet, Job Jenny, Jno. Eldridge, Robert Hannah, Samuel Warden, Ephraim Bull, Joseph Hull, Job Card, Jno. Holloway, James Reynolds, Jun'r, Henry Tibbetts, Jun'r, Edw. Greene, Joseph Reynolds, John Sweet, Ephraim Pray, John Mowry, Edward Smith, Christopher Smith, Tho. Smith, Nathaniel Waterman, Jun'r, James Beake, Daniel Sweet, Joshua Davis, Rob't Nichols, Wm. Spencer, Robert Spencer, Thomas Greenall, Thos. Rathbone, William Rathbone, Jno. Rathbone, Daniel Tosh, James Danielson, Mr. Hancock, John Michell, Thomas Michell, Thomas Duchings, Joseph Rathbone, Edward Sands, Mr. Banning, Edward Mott, Nathaniel Winslow, Joshua Raymond, all the persons above named, are admitted freemen of the Colony, by vote of the Assembly.

This Assembly for making freemen, is dissolved.

*At the Generall Assembly and Election held at Newport, on the
6th day of May, 1696.*

The Governor chosen Moderator of the Assembly.

The Recorder chosen Clerke of the Assembly.

Voted, Mr. Benedict Arnold, and Capt'n Samuel Cranston,
are appointed to open the proxure votes.

Voted, Mr. Richard Arnold, and Capt'n Jonathan Holmes
appointed to receive the votes from the freemen and put them
into the hat.

The Charter openly read in the Assembly.

By the Election was chosen the following, who were sever-
ally engaged.

GOVERNOR.

Mr. Walter Clarke.

DEPUTY GOVERNOR.

Major John Greene.

ASSISTANTS.

Capt'n Samuel Cranston,

Mr. Walter Newbury,

Mr. James Barker,

Mr. Joseph Jencks,

Mr. Stephen Arnold,

Mr. Joseph Sheffield,

Mr. Giles Slocum,

Mr. Benjamin Smith.

Mr. William Gibson,

Capt'n Jeoffrey Champlin.

JUSTICE.

Capt'n Jonathan Holmes.

JUSTICE.

Mr. Joseph Williams.

RECORDER.

Weston Clarke.

SHERIFF.

Capt'n Tho. Townsend.

GENERAL TREASURER.

Lieut. John Holmes.

GENERAL ATTORNEY.

Mr. John Smith.

MAJOR FOR THE ISLAND.

Major John Bliss.

MAJOR FOR THE MAIN.

Major John Greene.

The Assembly adjourned to eight o'clock, the 7th instant.

May the 7th.

Voted, That whereas it hath been proposed to this Assembly

that the King's post might have his ferriage free throughout this Collony, the Assembly having taken the matter into consideration, do order, and by these presents determine, that at the ferry at Providence, the King's post shall have ferriage free from time to time, [when] there is occasion to pass; and that Mary Edmonds, of said Providence, relict of Andrew Edmonds, shall have the benefit and profit of the said ferry between Providence and Rehoboth, so far forth as this Assembly is capable to invest her, and no person shall within the precincts of this Collony, deprive her thereof till further order; and that the judgment that was passed against Henry Stase, concerning the premises, the execution thereof shall be, and is remitted.

Voted, Whereas there is a petition presented by the inhabitants of New Shoreham, in this Collony, to remit the late levy on the inhabitants of said Island, this Assembly, upon consideration, do remit the levy of one penny on the pound ordered at Warwick, in October last; any act to the contrary notwithstanding.

Voted, It is enacted by this Assembly, that the whole house of Representatives or Deputies, or the major part present, are a Committee to draw up what may be thought best for the raising of money to defray the Collony charge, and other matters that may conduce to the good and weal of the Collony, and present it to the Court.

We, the Deputies of the Generall Assembly, now sitting in Newport, the 6th day of May, in the year of our Lord, 1696, desire that it may be made an act of this Assembly, and pass as a vote of the house, that all the Deputies of each respective town, shall sit as a House of Deputies, for the future, and have liberty to choose their Speaker among themselves, and likewise the Clerk of the Deputies; and that the majority of the Deputies so assembled, shall be accounted a lawfull House of Deputies. The abovesaid act is voted and allowed, any former act or clause in this Collony to the contrary, notwithstanding.

Voted, It is enacted by this Assembly, that all the respective Deputies of this Collony that have sat in the Generall Assem-

bly since October last, shall receive their several sallaries of the respective Constables in each town of this Collony, out of the next generall levy upon this Collony, made to defray the Collony charge, which per the Act of the Assembly in October 30, 1695, may appcar.

And it is further enacted, That there shall one penny in the pound assessed upon the inhabitants of this Collony, according to the form of the Act in October, 1695; and this money to be collected and paid in to the Generall Treasury by the last of September next ensueing.

And whereas, in the Act above recited, it is mentioned that each town shall choose two or three able men to proportion the rate as is therein mentioned, this Assembly do give power to each town to choose so many men as they shall think convenient. And the major part so chosen, shall have full power to assess each town, and proportion it according the afore recited Act.

Voted, Whereas it hath been presented to this Assembly by some of the Deputies of the town of Warwick, that by the remoteness of the Deputy Governor, and Assistants in that town, that they may have the benefit of other towns to have a Justice of the Peace in said town; which is allowed by the Assembly. And in order thereunto, Mr. Benjamin Barton was in the Assembly elected to a Justice of the Peace, and engaged.

Capt'n William Champlin, is by vote of the Assembly chosen to the office of Justice of the Peace, for the town of Westerly, and engaged thereunto.

Capt'n Thomas Fry is by vote of the Assembly chosen to the office of a Justice of the Peace, for the town of Greenwich, and engaged thereunto.

Voted by this Assembly, That the commissions formerly granted to the Justices of the Peace in this Collony is continued in full force till the next Election of Generall officers; and the form of the same commission to be granted to the Justices newly elected.

Voted by this Assembly, That whereas there was a petition presented by Capt'n William Champlin and Nicholas Cotterell,

Deputies for the town of Westerly, for the settling the northern bounds of their town, and the Assembly not knowing the bounds of their Town Charter, lest they may ——— on Kingstown think it convenient that Westerly make choice of two men and Kingstown two men to inspect their severall bounds, and make return to the next sitting of this Assembly.

Voted, Ordered, that the Acts of this Assembly be published at the Collony House door, in Newport, by beat of drum, within ten days after the adjournment of this Assembly, under the seal of the Collony.

Voted, That this Assembly is adjourned to the last Wednesday in August next, without the Governor or Deputy Governor by the Governor's order, see cause to call it sooner upon any speciall occasion.

Letter from Governor Fletcher of New York, to Governor Clarke.

April 24th, 1696.

Sir: I have formerly at sundry times, made application to your predecessor, the Governor of Rhode Island, for the quota of assistance assigned in the Royall mandate, from that Province, being forty-eight men, for the defence of the frontiers of this, and have not prevailed to get so much as one man, nor any of your assistance. The copies of the severall answers I received, were transmitted to the Plantation Office, to be laid before his Majesty, and hearing of your coming to the government, I was apt to expect a more dutiful compliance to the Royal commands. But to make things as easy as may be, I desire you to send forty-eight men, or such number of them as you can get, at the charge of your government, to New York, and I will furnish them with the King's arms and ammunition, victuals, lodgings and pay, and they shall remain in the service upon the frontiers one year from their arrival at New York, and shall have three pounds a man, levy money, paid into their hands, at their arrival. If possible, let them be here the latter end of May, or beginning of June next; It will be an advantage to your youth to learn the use of their arms after the modern way of his Majesty's army. Your compliance and care in effecting this, shall be fairly represented to his Majesty as a mark of your true respect to his service, by Sir, Your friend and servant, BEN: FLETCHER.

To Walter Clarke, Esq'r, Governor of Rhode Island and Providence Plantations.

[Walter Clarke was Governor of Rhode Island in 1686, when the Charter was suspended by Sir Edmund Andros. He filled the same office, again, from 1696 to 1698.]

Governor Clarke to Governor Fletcher.

Newport, Rhode Island, May the 14th, 1696.

Esteemed: Your lines, bearing date from New York, April the 22d, 1696, I received, and having represented them to his Majesty's Generall Assembly, sitting at Newport, May 6th, 1696, upon perusal thereof, we take notice that your Excellency is pleased, as you say, having made application according to the Royall mandate, for forty-eight men, and that for the defence of the frontiers of New York, and have not prevailed so much as to get one man, or any other assistance; signifying also, that the copies of the severall answers you received, were transmitted to the Plantation Office, to be laid before his Majesty; and further signifying that you hearing I was come to the government, you were apt to expect a more dutifull compliance to the Royall command; but nevertheless, to make things as easy as may be, you are free to take up with easier propositions, as are more largely inserted in your Excellency's letter. In answer whereunto, I reply, that forasmuch as those answers of ours are transmitted to the Plantation Office for his Majesty's determination, we humbly are ready to submit thereunto, believing that our King's Majesty requires no impossibilities of any of his subjects; and for a further manifestation hereof, we take notice, that her late Majesty in said Royall mandate doth declare that if the Governor or Commander in Chief draw of any forces in the time of invasion for support of the interest, he should not leave the Colony unprovided from whence the forces are drawn. We are not unwilling, but always ready to serve his Majesty with our persons and estates. But this his Majesty's Colony, by reason of the government of the Province of the Massachusetts detaining severall towns from us, being a considerable part of the Colony incapacitates us, so that if we part with any men, it may be the overthrow not only of this Colony, but endanger the rest of the Colonies and Provinces, for those reasons following:

In the first place, we have three inlets that no forts can be erected, to annoy the enemy, lying near forty miles, fronting upon the ocean; and also in moderate seasons they may land almost in any part of the government; so that the greatest security consists in suitable numbers of forces to watch their motion at the severall suspected places; so that we find our all, if attacked, is too little for the defence of our frontier, lying in as much danger of the enemy as any of his Majesty's governments in America. I hope you need not question but as formerly, we have always held a good correspondency betwixt this his Majesty's government and his government of New York. We shall use our utmost endeavor to promote the same, and in obedience to his Majesty, be ready to serve you.

WALTER CLARKE, Governor.

Since the writing of the above premised, one of the 12th instant, arrived here one Capt'n Loverell, from Jamaica, a private man of war, of six guns, one hundred and two men, bound for the coast of Canada; he commanded with him one small ship, which he took off the coast of Cuba, the mariners leaving her as was suspected, being near land, found no person in her, by reason of the fogs, laying long off and on this coast; so that they were very suspicious to be enemies, which occasioned some trouble. But sending out a boat of twenty men, was discovered and made known to us, and are both come into our harbor of Newport, endeavoring for a pilot, with intent to proceed as premised. This I thought needful to give a notion of, being a

general concern, and as we should gladly receive in the like case. Here being nothing more of novelty to communicate, I take leave, with due respects, and remain in any office of love to my power. WALTER CLARKE, Governor.

Newport, this 15th of May, 1696. For his Majesty's service. To Benjamin Fletcher, Esq'r, Captain Generall and Commander in Chief of his Majesty's Province of New York.*

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, by adjournment, called by the Governor, on speciall occasion, the 1st day of July, 1696.

Voted, In answer to the Governor's motion to the Assembly, for the speedy raising a suitable sum of money for the defraying of the Collony's charge, and paying the Collony's debts.

It is voted in this Assembly, That all the Deputies of this Court are appointed a Committee to draw up and present to the Court a method for raising a levy on this Collony, to [pay] the Collony's debts, and pay public charges that may imarge, with all expedition.

Whereas, in the beginning of this Assembly, it was agreed upon, and by that Assembly ordered, That a rate be levied upon the inhabitants of this Collony of a penny upon the pound on each man's estate. But upon further consideration, that such a sum as one penny on the pound will not satisfy at present to support the government, the Assembly do therefore order, and by these presents declare and enact, that one penny on the pound more upon each person's estate within this Collony, shall be assessed and added unto the aforesaid rate, and levied all in one levy; and to be gathered and paid in all at the time, as the aforesaid order expresseth, and in the same manner.

Voted, and it is further enacted by the Assembly aforesaid,

* New York Documents, Vol. IV. p. 155-6.

That whereas they have seen cause to assess a rate and make a levy of money upon the inhabitants of this Collony of two pence upon the pound. But no provision is yet made, that in case those chosen by the town or towns, to levy the said rate on each person in each respective town; it is therefore ordered by this present Assembly, that as to this present rate, and so henceforward for the future, that if any person or persons in any town in this Collony, being by the same unto which he or they belong, chosen to levy or proportion any rate, shall refuse or neglect the same, shall forfeit the sum of ten shillings to each town treasury, and to be taken by distrainment by warrant from one Magistrate; and that those persons in each town as aforesaid, to proportion said rate or rates, shall be allowed for their pains two shillings per day while they are in said employ, and that the Constables in each town shall pay the men so chosen out of those rates they shall proportion, and discount the same with the Treasurer; and that the number of persons to proportion such town's part of said rate or rates shall not exceed three persons, and what person or persons shall neglect or refuse as aforesaid, that then any one Magistrate is hereby empowered to put another person or persons in his or their rooms; any former act or clause in this Asssmbly's Acts to the contrary, notwithstanding.

It being proposed by this Assembly, that there may be an impost upon all wines, brandy and strong liquors imported into this Collony, from foreign parts, the Assembly do leave the matter to a Committee, to wit: Mr. Walter Newbury, Capt'n Samuel Cranston, Mr. John Coggeshall, Jun'r, Mr. Nicholas Carr, Capt'n Jonathan Holmes and the Recorder, to draw up and present to this Assembly their opinions and proposals therein.

The return of the said Committee is, that whereas it is laid before this Assembly that the trade of importing wine and strong waters, &c., are frequently in this Collony by our inhabitants and strangers, and no duty paid out of the same, to defray the Collony charge nor any parts thereof, but only improved to the importers' great advantage: we, the Committee

appointed by the Assembly, to consider for the regulating and settling the same in such method as may be convenient towards the support of the government, do agree and return our opinions as followeth, viz.:

Fayal or St. George's wine, by the pipe, ten shillings; Madeira or mamsey, by the pipe, twelve shillings, six pence; and all other other wine imported from foreign places, after the same rate; be it in hogsheads, barrells, quarter casks, or any other vessels, pro rata. Brandy, rum, and all other distilled liquors from foreign places, one penny per gallon. Molasses, half penny per gallon.

And for the due execution of the premises, it is enacted by this Assembly and the authority thereof, That from and after the publication of these Acts, that Capt'n Samuel Cranston, receive the impost above mentioned, and keep account of all importations of the severall goods, aforesaid, that due account thereof be rendered to authority when thereunto required; and what moneys are received for the impost of said goods, to be improved by the Governor, if occasion [require], for the Collony's use.

And for the due performance of this Act, all masters of ships or other vessels, that shall import any such goods, shall give a just account thereof, and to whom it belongs or consigned, to Capt'n Samuel Cranston, before he land any of said goods, upon the forfeiture of any said commodities so landed without information to the said Cranston. And for his care and pains herein, to have ten per cent. for receiving and paying. And this Act to be in force till the Assembly take further order; any Act in this Collony to the contrary, notwithstanding.

Voted, We also considering of the many great complaints that several vessels have been fitted out of this Collony, and by all likelihood and circumstances are upon some unlawful design, which is to the great dishonor of his Majesty, and this his Majesty's government; and for the prevention of such proceedings for the future, be it enacted by this Assembly, that there be no person nor persons commissioned from this government

but shall first give bond of one thousand pounds, with good securities, that they shall not proceed upon any unlawful act, as aforesaid ; except such vessels as shall be sent out by the authority of this Collony, for the defence of his Majesty's interest, against a common enemy ; any act to the contrary, notwithstanding.

Voted, It is proposed to the Assembly, that considering there is continual great damage done unto the estates of this Collony by wolves, that an act may pass by the Assembly and be it enacted, for the encouragement of persons to destroy them ; that for each old wolf that shall be killed in any part of this Collony, the person killing the same, shall be allowed the sum of ten shillings, to be paid out of each town's part of the generall rate, viz. : according to the place where they are killed. But to end all disputes, it is to be understood, that there shall be no discount of any town of any part of the levy allowed for the support of the Collony, by this present Assembly.

Whereas there is a petition presented by Isabell Morss, that her husband, Ephraim Morss, after long absence from her near three years, and now returned, threatening to take what estate she hath in her custody for her maintenace, the Assembly, upon consideration of her petition, understanding the circumstances of the matter, do enact and it is hereby enacted, that the said Isabell Morss shall have and possess every part of that estate now in her custody, as her proper estate ; and the Magistrates of the town of Warwick are to take care that the said Morss do no violence to his said wife, nor take any estate from her.

Voted, Ordered, that copies of this Assembly's acts be sent to each town in this Collony ; and the Recorder to have ten shillings from each town for copies under the seal of the Collony.

This Assembly is dissolved.

WESTON CLARKE, Recorder.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Providence, the 28th day of October, 1696.

Voted, That Capt'n Christopher Almy shall have allowed him out of the Generall Treasury for his charge and expense in England, for the Collony's use, the sum of one hundred and thirty-five pounds, ten shillings, eight pence.

Voted, This Assembly is adjourned to Newport, the last Tuesday save one, in March next.

The Board of Trade to the Governor and Company of Rhode Island.

To the Honorable the Governor and Company of his Majesty's Collony of Rhode Island, in America.

Gentlemen: His Majesty having been frequently informed of the little regard (which severall of the Collonies concerned) have had to the quota appointed by her late Majesty, of blessed memory, in the year 1694, to be observed during this war, for the defence of the frontiers of the Province of New York, in the following proportions, viz.:

Connecticut, - - -	120	New York, - - -	200
Rhode Island and Providence, 48		Pennsylvania, - - -	80
Massachusetts, - - -	350	And any part of the militia of	
Maryland, - - -	160	East and West New Jer-	
Virginia, - - -	240	sey, not exceeding	700

And his Majesty being at the same time sensible of the necessity of that contribution, either in men or money, for the general security of his Colonies on the continent of America, has commanded us to signify unto all those above named, that it is his pleasure they should each of them contribute and pay their respective proportions to the government of New York, according to her late Majesty's foresaid regulation.

We therefore particularly recommend it to your care, that in relation to the Colony of Rhode Island, his Majesty's pleasure herein, be for the future punctually observed and executed.

His Majesty having also been informed by complaints from severall hands of the undue methods practised in some of his Colonies, for seducing the inhabitants from others, and being sensible how much that practice is contrary to the common interest of the whole, has commanded us to write unto the severall Governors or governments of each Colony, that they take care that effectual laws be made in each of their respective governments against the receiving and harboring not only of deserters, but also of such fugitives as leave any of his Plantations contrary to the

laws provided for that purpose in each Plantation, respectively ; which therefore we also now accordingly recommend to your observations for the Colony of Rhode Island.

And whereas his Majesty has also received complaints that the entertainment given to pirates in some of his Colonies, and more particularly in those under distinct proprieties, has occasioned many ill minded persons, seamen and others, to desert their habitations, and apply themselves to such wicked and destructive courses to the great weakening and dispeopling of the Colonies so abandoned by them, and to the great dishonor of the English nation.

Whereupon, he has also required us to write to the severall proprietors and Governors of all his Plantations, that due care be taken for the future, that no pirates or sea robbers be any where sheltered or entertained, under the severest penalties. We are obliged, in giving you this notice, to recommend it so much the more particularly to your care, by reason that upon occasion of the late trials of some of Avery's crew here, severall informations have been transmitted to us, wherein mention is made of Rhode Island, as a place where pirates are ordinarily too kindly entertained ; some of the expressions in those papers are as follows :

" William Mews, a pirate, fitted out at Rhode Island. Thomas Jones is concerned in the Old Bark, with Capt'n Want, and lives in Rhode Island. Want is gone into the Gulf of Persia, and in all probability is either at Rhode Island or Carolina by this time. Want's wife lives there. Want broke up there about three years ago, after a good voyage, and spent his money there, and in Pennsylvania."

These, and such like things, we say, obliges us to more strictly require of you that an extraordinary care be henceforwards taken in that Island for the preventing and suppressing such like practices ; and particularly that all persons who are any ways involved in that guilt, be sought out and punished, according to the utmost severity of the law ; of which we expect a particular account. And are your very affectionate friends.*

J. BRIDGEWATER,
PH. MEADOWS,
WM. BLATHWAYT,
JNO. POLLEXFEN,
ABR. HILL.

Whitehall, February the 9th, 1696-7.

* J. Carter Brown's Manuscripts, No. 19, Vol. III.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, by adjournment from Providence, March the 23d, 1696-7.

Voted, That the House of Magistrates is resolved into a Committee.

Mr. William Gibson, Assistant, being impeached by Capt'n Jeffrey Champlin, Assistant, for marrying Daniel Wilcocks and Mary Wordell, of Kingstown, contrary to the law of this Collony, said Gibson pleaded not guilty; but also confessed the said parties were not published according to the law of our Collony, to his knowledge.

The Committee having heard both parties, and upon serious debate, do find that the marriage with Daniel Wilcocks and Mary Wordell, was done contrary to the law of this Collony; therefore do declare said marriage to be illegal.

Voted, That the north side of Pawtuxet river, so far as it extends itself westward to that branch or fork which issueth out of Penhongansett Pond, and the other great branch which hath been commonly called and commonly known by the name of the southern branch of Pawtuxet river, where those two rivers or branches meet, to be the southern bounds of the town of Providence, as to jurisdiction.

Major John Greene, Deputy Governor, protesteth against the abovesaid act, concerning the southern bounds of Providence.

Mr. Thomas Greene, Capt'n Peter Greene, Mr. Job Greene, and Mr. John Warner, all Deputies for Warwick, have all protested, and do hereby enter each of their protests against the abovesaid act, concerning the southern bounds of Providence.

Voted, Whereas there was a rate of two pence upon the pound, ordered by an Assembly of this Collony, held in May last; and also by adjournment in July last, to be assessed upon the inhabitants of this Collony; and whereas severall towns

*At the Generall Assembly and Election held at Newport, on the
6th day of May, 1696.*

The Governor chosen Moderator of the Assembly.

The Recorder chosen Clerke of the Assembly.

Voted, Mr. Benedict Arnold, and Capt'n Samuel Cranston,
are appointed to open the proxure votes.

Voted, Mr. Richard Arnold, and Capt'n Jonathan Holmes
appointed to receive the votes from the freemen and put them
into the hat.

The Charter openly read in the Assembly.

By the Election was chosen the following, who were sever-
ally engaged.

GOVERNOR.

Mr. Walter Clarke.

DEPUTY GOVERNOR.

Major John Greene.

ASSISTANTS.

Capt'n Samuel Cranston,

Mr. Walter Newbury,

Mr. James Barker,

Mr. Joseph Jencks,

Mr. Stephen Arnold,

Mr. Joseph Sheffield,

Mr. Giles Slocum,

Mr. Benjamin Smith.

Mr. William Gibson,

Capt'n Jeoffrey Champlin.

JUSTICE.

Capt'n Jonathan Holmes.

JUSTICE.

Mr. Joseph Williams.

RECORDER.

Weston Clarke.

SHERIFF.

Capt'n Tho. Townsend.

GENERAL TREASURER.

Lieut. John Holmes.

GENERAL ATTORNEY.

Mr. John Smith.

MAJOR FOR THE ISLAND.

Major John Bliss.

MAJOR FOR THE MAIN.

Major John Greene.

The Assembly adjourned to eight o'clock, the 7th instant.

May the 7th.

Voted, That whereas it hath been proposed to this Assembly

that the King's post might have his ferriage free throughout this Collony, the Assembly having taken the matter into consideration, do order, and by these presents determine, that at the ferry at Providence, the King's post shall have ferriage free from time to time, [when] there is occasion to pass ; and that Mary Edmonds, of said Providence, relict of Andrew Edmonds, shall have the benefit and profit of the said ferry between Providence and Rehoboth, so far forth as this Assembly is capable to invest her, and no person shall within the precincts of this Collony, deprive her thereof till further order ; and that the judgment that was passed against Henry Stase, concerning the premises, the execution thereof shall be, and is remitted.

Voted, Whereas there is a petition presented by the inhabitants of New Shoreham, in this Collony, to remit the late levy on the inhabitants of said Island, this Assembly, upon consideration, do remit the levy of one penny on the pound ordered at Warwick, in October last ; any act to the contrary notwithstanding.

Voted, It is enacted by this Assembly, that the whole house of Representatives or Deputies, or the major part present, are a Committee to draw up what may be thought best for the raising of money to defray the Collony charge, and other matters that may conduce to the good and weal of the Collony, and present it to the Court.

We, the Deputies of the Generall Assembly, now sitting in Newport, the 6th day of May, in the year of our Lord, 1696, desire that it may be made an act of this Assembly, and pass as a vote of the house, that all the Deputies of each respective town, shall sit as a House of Deputies, for the future, and have liberty to choose their Speaker among themselves, and likewise the Clerk of the Deputies ; and that the majority of the Deputies so assembled, shall be accounted a lawfull House of Deputies. The abovesaid act is voted and allowed, any former act or clause in this Collony to the contrary, notwithstanding.

Voted, It is enacted by this Assembly, that all the respective Deputies of this Collony that have sat in the Generall Assem-

Heath, Capt'n John Fones, John Hull, Joseph Pemberton, Joshua Raymond. Those persons, or the major part of them, meeting and agreeing, shall effect the auditt. Always provided, that money which is in the Treasury, of the rate which was assessed on the Collony of one penny on the pound, made before the last rate of two pence on the pound, shall not be auditted by the aforesaid auditt, and each town to pay the man of their town two shillings, six pence per day, whilst they are officiating in the work.

Voted, That all those bills for money due to the Deputies for serving at Assemblys, which are signed by the Clerk of the House of Deputies, shall be good to all intents and purposes, as to demand and receive their sallary by; and so to stand for the future. And also the said Clerk [to] make return of those Deputies, that do not appear, that their fines may be taken.

Voted, That Capt'n Thomas Townsend, Sheriff, shall be allowed out of the Generall Treasury forty shillings, to be paid him, forthwith.

Voted, That the Recorder shall have six shillings of each town, for the copies of the Generall Assembly's acts, sitting by adjournment at Newport, the 28th of March, 1696-7.

Voted, That the said acts be forthwith published under the seal of the Collony, at the Collony House, by beat of drum.

Voted, That this Assembly be dissolved, and it is dissolved.

WESTON CLARKE, Recorder.

King William III. to Rhode Island, on the Plantation Trade.

Trusty and well beloved: We greet you well. Whereas, notwithstanding the many good laws made from time to time, for preventing of frauds in the Plantation trade, it is manifest that very great abuses have been and continue still to be practised, to the prejudice of the same; which abuses must needs arise, either from the insolvency of the persons who are accepted for security, or from the remissness or connivance of such as have been, or are Governors in the severall Plantations, who ought to take care, that such persons who give bond, shall be duly prosecuted in case of non-performance; you are to take notice, that we take the good of our Plantations, and the improvement of the trade thereof, by a strict and punctual observance of the severall laws in force concerning the same, to be of so great importance to the benefit of this our kingdom, and the advancing of the duties of our cus-

toms here, that if we shall be hereafter informed, that at any time there shall be any failure in the due observance of those laws within our Colony of Rhode Island and Providence Plantation, by any wilfull fault or neglect on your part, we shall look upon it as an infraction of those laws, tending to the forfeiture of our Letters Patents for the government of that our said Colony. So we bid you heartily farewell.*

Given at our Court at Kensington, this 22d day of April, 1697, in the ninth year of our reign.

By his Majesty's command.

SHREWSBURY.

The Board of Trade to the Governor and Company of Rhode Island.

To the Honorable the Governor and Company of his Majesty Colony of Rhode Island, in America.

Gentlemen: We send you herewithall, the duplicate of a letter that we writ you the 9th of February last, and the copy of one sent you from his Majesty, dated the 22d of April last, unto which we refer, and expect an account of your proceedings in conformity to the things therein required of you.

The Dutchess of Hamilton having renewed her claim to the propriety of the Narragansett country, we have delivered copies of her petition and case to Mr. Brenton (a proprietor in your Colony, who has been here upon other occasions, and unto whose care we also commit this letter), and we having laid our opinion upon that matter before their Excellencies the Lords Justices, so soon as any resolution is taken in it, either by their Excellencies or his Majesty, we shall not fail to give you such notice thereof, as may be requisite.†

The difference between you and the Colony of Connecticut about the government of the Narragansett country, remaining yet undecided (by reason nobody has appeared before us about it on your behalf), though a determination has been pressed for by them, we cannot but offer to you our opinion, that an amicable agreement between yourselves, about the boundaries of your two Colonies may be for mutual advantage; and thereupon exhort you (as them) to apply yourselves unto the Right Honorable Earl of Bellomont, that he would please to assist you on both sides in the compromising of your differences. Which if it accordingly succeed, then we desire you to send us over by the first opportunity authentick copies of your said agreement, that it may by that means be made fixed and unalterable. But if through any obstinacy either on your part or theirs, our intentions in this method of a friendly compromise be frustrated, we have then desired his Lordship to give both you and them notice to send over agents hither as early as may be the next spring, in order to a final determination of that matter upon a full hearing of both parties.

* J. Carter Brown's Manuscripts, Vol. III. No. 20.

† The Board of Trade made a Report or "Representation," as it is called, at great length, to the Lords Justices, upon the Dutchess of Hamilton's claim to the Narragansett country, bearing date August 10, 1697, a copy of which is among the manuscripts of Mr. J. Carter Brown, Vol. III. No. 21.

His Majesty having been pleased to appoint his said Lordship, the Earl of Bellomont to be Governor and Commander in Chief of his Provinces of the Massachusetts Bay, New York and New Hampshire, with powers also of Captain Generall over the Collonies of Connecticut, Rhode Island, and other places ; explaining however his Royall intention therein, that in time of peace the militia within each of the said Colonies be left to the government and disposition of the respective Governors of the same. Yet so nevertheless, that in case of apparent danger or other exigency, his Lordship do at all times take upon himself the superior command of those forces, according to the tenor of his commission, you are accordingly upon all occasions, relating to the Collony of Rhode Island, to give obedience to his Majesty's pleasure therein.

Whereas the Lords spiritual and temporal in Parliament, did by an address in their late session, humbly represent to his Majesty as a matter of great importance, both to this kingdom and to his Majesty's Plantations in America, that the many good laws which have from time to time been made for the government of the said Plantations, should be strictly observed and put in execution ; and in order thereunto did humbly propose to his Majesty, that the severall proprietors of the Plantations, where his Majesty hath no Governors of his own nomination, may enter into security, that their respective Deputy Governors, shall from time to time observe and obey all Instructions that shall be sent to them from his Majesty, or any acting under his authority, pursuant to the severall acts of Trade relating to the Plantations, and particularly (the Colonies of Connecticut and Rhode Island and Providence Plantations having their Governors and Assistants chosen annually by the people there), having no proprietors here in England, and being become a great receptacle for pirates, and carrying on illegal trades, contrary to the acts for the government of the Plantations. That the Governors of those severall places may therefore be obliged to give the like security in that behalf, his Majesty hath thereupon been pleased to direct the Right Honorable the Earl of Bellomont to require such security from you for the Collony of Rhode Island.

And we give you this notice thereof, in order to your compliance with what has been thus required by his Majesty, in pursuance of the said address of the Lords spirituall and temporall in Parliament. So we bid you heartily farewell.*

Your very loving friends,

J. BRIDGEWATER,
PH. MEADOWS,
JNO. POLLEXFEN,
JNO. LOCKE,
ABR. HILL.

Whitehall, 26th August, 1697.

* J. Carter Brown's Manuscripts, No. 22, Vol. III.

Peleg Sanford to the Board of Trade.

Newport, January 31st, 1697-8.

May it please your Lordships: I account myself bound in duty to give your Lordships an account, that on the 7th day of this present month of January, I received from the hands of Jahleel Brenton, Esq'r, his Majesty's commission, dated at his High Court of Admiralty of England, the 26th day of June last, to me, to hold and execute the office of Judge of the Court of Admiralty, in this Colony of Rhode Island, &c. Wherefore, in obedience to his Majesty's pleasure therein (and that I might be enabled and qualified to discharge that trust reposed in me), on the 12th day of this said month of January, I went to the Generall Assembly of this Colony then assembled at this town of Newport, and there presented the said commission to Walter Clarke, Esq'r, Governor of this Colony, then sitting in that Court, desiring their publication of said commission, and their assistance to me, in the execution thereof, and that they would administer to me the oath, for my faithfull executing the said office. The said Clarke replied, that they would consider thereof, and send the said commission to the lower House; but before the lower House had read the same, the said Clarke privately left the upper House, and went to the lower House, and there acquainted them that such a commission was sent to Peleg Sanford, as was a violation and infringement of their Charter right and priviledges, and if they allowed thereof, he would take his leave of them, and there would be no more choice or Election according to their Charter. But the said lower House returned that commission to the said Clarke, or upper House, not being prevailed with to do anything in opposition thereto.

Soon after this, the said Clarke adjourned the said Assembly, but detains from me the said commission, and positively refuses to deliver the same, though I have severall times demanded it of him. I am humbly of opinion, that if ever he should restore to me the said commission, those persons at present in government here, will refuse to administer to me an oath for executing the said office, &c., without which, I dare not presume to act therein.

I humbly submit this whole matter unto your Lordships' great wisdom, and remain, your Lordships' most humble servant,

PELEG SANFORD.

Report of Peleg Sanford, Francis Brinley and Jahleel Brenton to the King.

May it please your Majesty: Whereas your Majesty, by your commission, under the great Seal of England, bearing date at Westminster, the 23d day of May, in the ninth year of your Majesty's reign, was graciously pleased to authorize and appoint Edward Randolph, Peleg Sanford, Francis Brinley, Jahleel Brenton, Nathaniell Byfield, Thomas Newton, Esq'r, or any five of the members of the Councill, and the Collector of your Majesty's Customs for the time being, within your Majesty's Colony of Rhode Island, or any three or more of them, to administer to the Governors or Commander in Chief of your Majesty's said Colony (by virtue of severall acts of Parliament, mentioned in the said commission), a solemn oath to do their

utmost, that all the clauses, matters and things, contained in severall acts of Parliament (mentioned also in the said commission), shall be punctually and bona fide observed, so far as appertains to the said Governors or Commanders in Chief respectively, as in the said commission, and the severall acts of Parliament therein mentioned, is at large expressed.

In obedience to your Majesty's commands, we, your Majesty's said Commissioners, whose names are hereunto subscribed, do humbly report to your Majesty, that on the 17th day of this present month of January, at the town of Newport, in the aforesaid Colony of Rhode Island, we went to the dwelling house of Walter Clarke, Governor of the said Colony, and did then and there show to the said Walter Clarke, your Majesty's said commission, and the oath which is mentioned in [it], and wrote down after the said commission; and did also offer and tender to the said Walter Clarke the said oath, which oath the said Walter Clarke did positively refuse to take. Likewise, on the 21st day of this same month of January, we went to the said dwelling house of the said Walter Clarke, and did then also show to him your Majesty's said commission, and did demand of him if he would take the said oath, and the said Walter Clarke did then also positively refuse to take the said oath.

Of which, in all humble obedience to your Majesty's said commission and commands to us, we make this our report.

Your Majesty's most loyal and most dutiful subjects,

PELEG SANFORD,
FRANCIS BRINLEY,
JAHLEEL BRENTON.

Dated at Newport, this 31st day of January, 1697-8.

The Board of Trade to the Governor and Company of Rhode Island.

To the Honorable the Governor and Company of his Majesty's Collony of Rhode Island and Providence Plantations, in America.

Gentlemen: We send you herewithall, his Majesty's Proclamation of the 28th of the last month, prohibiting his subjects to enter into the service of foreign Princes, and States, that you may cause it to be published in the usual places within his Majesty's territories under your government; and as much as in you lies, take care that his Majesty's pleasure therein expressed, be duly observed, and the transgressors thereof punished.

At the same time, we are also to let you know, that his Majesty having been pleased, amongst other things, to require us to examine into and weigh the acts of the Generall Assemblies of his severall Plantations in America, in order to represent unto him our observations upon their usefulness or inconveniency, and those of Connecticut not being found amongst the rest that are in our custody, we therefore expect that you transmit unto us authentick copies of all the acts or laws of that Collony, with all possible diligence. So we bid you heartily farewell.

Your very loving friends,

J. BRIDGEWATER,
PH. MEADOWS,
WM. BLATHWAYT,
JNO. POLLEXFEN,
ABR. HILL.

Cockpit, February 23, 1697-8.

Jahleel Brenton to the Board of Trade on Rhode Island Affairs.

Boston, March the 8th, 1697-8.

May it please your Lordships: On the 8th of December, I arrived in this Bay, and some little time after my arrivall, I went to Rhode Island, and there delivered to the Governor and Company those letters your Lordships were pleased to entrust me with the conveyance of. I also brought with me a commission, under the great Seal, to administer to the Governor of Rhode Island an oath according to severall acts of Parliament, made for the Plantation trade, which the said Governor (who is a Quaker) hath refused to take. Enclosed, I humbly transmit to your Lordships the Report concerning the same.

I likewise brought with me a commission to Peleg Sanford, Esq'r, to hold and execute the office of Judge of the Court of Admiralty in the said Collony, and a Commission to Nathaniel Coddington, Esq'r, to execute the office of Register of the said Court. Both which commissions having been showed to the said Clarke, requiring his assistance in the execution thereof, &c., the said Clarke detained and kept the same, the said Sanford, by his letter enclosed, hath humbly acquainted your Lordships therewith.

And I think it my duty likewise to acquaint your Lordships that the said Clarke, in the month of May, 1696, was chosen Governor of that Collony, and in June following, he refused to subscribe the Association, which is required by the act made for the better security of his Majesty's Royall person and government; though the same was generally subscribed by others in that Collony at that time.

I am humbly of opinion, that if his Majesty would be pleased to grant forth a Commission to such persons in that Collony (as to his Majesty in his wisdom shall seem meet), empowering them to examine upon oath, and make report of these matters, to his Majesty in Councill, and that if the said Clarke were commanded to make his appearance, and there answer for the same, it would deter others from the like practices for the future; but if he should be no ways called to account for these facts, his Majesty's loyall subjects in that Collony will be utterly discouraged.

And I further beg leave to acquaint your Lordships, that I am humbly of opinion, it would much conduce to his Majesty's service, and the good of his subjects in the Collony of Rhode Island, that the government of that Collony were commanded to print all such laws, as have been there made, and are now in force. For they are so meanly kept, and in such blotted and defaced books (having never yet, any of them, been printed), that few of his Majesty's subjects there are at present able to know what they are.*

All which is most humbly submitted to your Lordships' great wisdom, by

Your Lordships' most obedient servant,

JAHLEEL BRENTON.

* J. Carter Brown's Manuscripts, Vol. III. Nos. 24-27.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 3d of May, 1698.

Major Samuel Cranston, Governor.

Major John Greene, Deputy Governor.

ASSISTANTS.

Capt'n Nathaniel Coddington,	Capt'n Joseph Sheffield,
Capt'n Robert Carr,	Mr. Giles Slocum,
Cap'n James Barker,	Mr. Benjamin Smith.
Mr. Joseph Jencks,	Mr. William Gibson,
Mr. Stephen Arnold,	Capt'n Jeoffrey Champlin.

DEPUTIES.

For Newport.

Capt'n Henry Tew,
 Capt'n Jonathan Holmes.
 Mr. Jeremiah Clarke,
 Mr. William Peckham,
 Mr. William Weeden,
 Mr. John Easton, Jun'r.

For Providence.

Mr. Joseph Williams,
 Mr. Richard Arnold,
 Mr. James Angell.

For Portsmouth.

Mr. Joseph Whipple,
 Mr. Latham Clarke,
 Mr. Isaac Lawton,
 Mr. Robert Fish,
 Mr. Robert Lawton.

For Warwick.

Mr. Peter Greene,
 Mr. James Carder,
 Mr. Moses Lippitt,
 Mr. Thomas Greene, Jun'r.

For Westerly.

Mr. Joseph Clarke.
 Capt'n William Champlin,

For James Towne.

Mr. Joseph Mowry,
 Mr. John Hull.

For Kings Towne.

Capt'n John Foanes,
 Capt'n Andrew Willett.

For East Greenwich.

Mr. George Vaughn,
 Mr. Thomas Nichols.

Voted, Capt'n Thomas Paine, Mr. Edward Carr, Mr. William Wanton, are admitted freemen of the Collony.

Voted, That Capt'n Nathaniel Coddington, Capt'n Robert Carr, are appointed to open the prox votes on the day of Election.

Voted, That Capt'n Jonathan Holmes, Capt'n Henry Tew, Mr. Latham Clarke, Capt'n Peter Greene, are ordered to receive the votes and put them in the hat at the Election.

At the Generall Assembly and Election held at Newport, the 4th of May, 1698.

GOVERNOR.

Major Samuel Cranston.

DEPUTY GOVERNOR.

Major John Greene.

ASSISTANTS.

Capt'n Nathaniel Coddington,

Capt'n Robert Carr,

Capt'n James Barker,

Capt'n Richard Arnold,

Mr. Joseph Williams.

Capt'n Joseph Sheffield,

Mr. Giles Slocum,

Mr. Benjamin Smith,

Capt'n John Foanes,

Capt'n Jeoffrey Champlin.

RECORDER.

Weston Clarke.

SHERIFF.

Mr. Jereth Bull.

GENERAL TREASURER.

Mr. John Holmes.

GENERAL ATTORNEY.

Mr. John Pocock.

MAJOR FOR THE ISLAND.

Major Samuel Cranston.

MAJOR FOR THE MAINE.

Major William Hopkins.

JUSTICES.

Capt'n Jonathan Holmes,

Mr. Randall Holden,

Capt'n William Champlin,

Mr. Joseph Clarke,

Mr. Joseph Hull,

Capt'n Thomas Fry.

JUSTICES FOR PROVIDENCE.

Capt'n John Dexter, Jun'r,

Mr. Joseph Jencks.

Whereas, James Holliman hath petitioned this Assembly that he may be admitted in the Collony to practice physic and chirurgerry, it is granted by vote of the Assembly, that he may practice as formerly, without opposition.

Voted, Whereas there is a complaint exhibited to this Assembly by our Honored Governor, Samuel Cranston, Esq'r, that Capt'n Thomas Townsend, late Sheriff, did, some time in the

month of April last, by his connivance, or willful neglect, let one William Downs at large out of his Majesty's jail, and so has made his escape from the hands of justice, he being committed upon suspicion of piracy, and bond given to prosecute according to law, it is voted and enacted in this Assembly, that the said Thomas Townsend, late Sheriff, be secured and brought upon his trial, for the abovesaid act.

Voted, It is enacted by this Assembly, that the two Assistants in Kingstown, do cause the rate on said town of two pence on the pound, to be assessed and gathered, and delivered to the Treasurer, by the 1st of August next; any act to the contrary, notwithstanding.

Voted and enacted by this Assembly, and the authority thereof, That from and after the dissolution of this Assembly, that each town in this Collony, shall out of each town Treasury pay their own Representatives chosen to serve in the Generall Assemblys, according to the former allowance by the Collony, and on the same penalty upon neglect; any former act to the contrary, notwithstanding.

Whereas, there hath been severall complaints made to this Assembly, that there is much wrong done to the inhabitants of the Collony and discouragement of strangers to deal, by reason that there are not stated measures and weights throughout each town in the Collony, and a Sealer appointed in the Collony :

Be it enacted by this present Assembly, and it is hereby enacted, That there shall be so many weights and measures purchased by the Generall Treasurer of this Collony as were ordered by an act of Assembly, made the 27th of October, 1674, and established to be the generall standards of this Collony; which measures and weights shall be according to Boston measures and weights; and that there be one person chosen to keep the weights and measures in the town of Newport, which shall be called the Clerk and Sealer of Measures; and that he shall take the same engagement of other the generall officers in this Collony.

The person appointed by this Assembly, untill the next

Election, is James Clarke, of Newport, to perform said office ; and that he shall have for cutting and sealing [every] half bushel, sixpence ; and lesser measures, three pence ; each to be paid by the owner's thereof.

And it is enacted by this Assembly, That each town in this Collony, upon their usual days of Election, shall choose one man in each town, to be a sealer of measures and weights, who shall take their measures and weight from the said James Clarke, under the seal of the Anchor, appointed for the general Seal for measures.

And it is further enacted, That if any town neglect to make choice of such a person, as aforesaid, at their day of Election of town officers, and give him the same engagement as other town officers, the said town, upon information of their neglect, shall be presented at the next Generall Court of Tryalls ; and that no person buy nor sell by no other measure than shall be made and sealed as aforesaid ; any act or custom to the contrary, notwithstanding.

Whereas, there are divers disorders and wicked practices by piracy and robbing, committed upon the seas by severall of his Majesty's subjects, to the great damage of his Majesty's allies ; and for the seizing and securing of any such persons as shall come into this his Majesty's Collony, that may be suspected to have been upon the seas on any such wicked designs :

Be it enacted by the Governor, Deputy Governor, Councill and Representatives convened in Assembly, and it is hereby enacted, That if any person or persons hath or shall hereafter bring into this Collony any foreign coin, gold, bullion, silver, merchandize and other treasure, supposed to be taken in and upon the seas, in manner as aforesaid, that then, and in every such case, the next Magistrates, or Justices of the Peace are hereby required and empowered, upon his or their own knowledge or information given to him or them thereof, to grant warrants to the Sheriff or Constables of the place, to apprehend and seize every such person or persons, his or their money, gold, bullion, merchandize, and treasure, and to bring the same before such Magistrates and Justices, to be examined

and proceeded against as the law directs in such cases. And if suspected person or persons, cannot produce a certificate, or produce two evidences, where and how he came by such monies, gold, bullion, merchandize or treasure, then such Magistrates and Justices, may commit such person or persons to jail without bail or mainprize, until he or they be discharged by law; and secure such money, gold, bullion, merchandize or treasure, to be disposed of as the law directs.

And every such Constable or officer, to whom such warrant or warrants shall be directed, shall require and take such a number of persons with arms or otherwise, as he or they shall think meet for the securing and apprehending such person or persons, and carry him or them before such Magistrates or Justices, as aforesaid. And every person or persons refusing or neglecting to be aiding or assisting to such officer or officers in the execution of such warrant or warrants, shall be proceeded against as the law directs, in such manner, and under such penalties in other like cases is accustomed and provided. And every such officer or officers offending, or neglective in his office and execution thereof, shall be punished as the law also directs.*

This Assembly is adjourned to Kingstown, the first Tuesday in August next, except the Governor or Deputy Governor see occasion to call it sooner, on special occasion.

Governor Cranston, of Rhode Island to the Board of Trade.

May it please your Right Honorable Lordships: We, his Majesty's Governor and Company of his Majesty's Collony of Rhode Island and Providence Plantations, in New England, received a letter from your Lordships, bearing date from Whitehall, February the 9th, 1696-7, wherein your Lordships signify that his Majesty hath been frequently informed of the little regard the severall Collonys have had to the quota appointed by her late Majesty for the defence of the Province of New York, whereunto with humble submission we answer:

* This act is not on the records of the Secretary's office. It is found among Mr. J. Carter Brown's manuscripts, and is taken from an attested copy in the State Paper Office, London (Vol. 2, p. 545). It was enacted on the 4th of May, 1698, and a copy enclosed in Governor Cranston's letter to the Board of Trade.

That this his Majesty's Collony being a frontier, and lying very open to an invasion by sea, were three times attacked by the enemy, the French, in the late war; so that we could not spare men without endangering his Majesty's interest here. Yet, nevertheless, in obedience to her Majesty's command, did write to Governor Fletcher (his Majesty's Governor of said Province of New York), a tender of compensation, which his Excellency positively refused, as we can make appear under his hand.

And whereas the King's Majesty requires that no pirates or sea robbers be sheltered or entertained, &c., also signifying that upon the late trials of some of Avery's crew there, severall informations had been transmitted to your Lordships, wherein mention is made of Rhode Island, as a place where pirates are ordinarily too kindly entertained, some of the expressions are as follows:

William Mayse, a pirate, fitted out at Rhode Island, and that Thomas Jones was concerned in the Old Bark, with Capt'n Want, whereunto we humbly answer, that things are misrepresented to his Majesty and your Lordships, and that this his Majesty's government was never concerned in or countenanced any such things; and we are certain that William Mayes had his clearance from the Custom-house here, to go on a trading voyage to Madagascar, with a lawfull commission to fight the French, his Majesty's enemys, from the government. And the best information we can have, is, that Capt'n Avery and his men plundered him; and we very much suspect that they have destroyed him and company, for none of them are yet returned, or any news of any one particular person belonging to said Mayse. And as for Capt'n Want, we neither know the man or ever had a sight of his ship. William Mayse being all the person that ever was commissioned from this government, that has been to the southward of Cape Good Hope.

And whereas your Lordships are pleased to signify that you are obliged the more strictly to require of us, that an extraordinary care be henceforward taken in our Island, for preventing and suppressing such like practices, and particularly, that all persons who are involved in the guilt, be sought out and punished according to the utmost severity of the law, of which a particular account is expected.

May it please your Lordships: Upon the receipt of your lines, and other mandates from his Majesty, by his Principal Secretary of State, the Duke of Shrewsbury, his Majesty's Generall Assembly immediately issued forth a proclamation for the apprehending of all persons suspected of piracy, a copy of which proclamation and one other act of said Assembly is here enclosed to your Lordships; and furthermore, we have seized two persons and their moneys, who came into authority, one Robert Munday, and George Cutler, who upon examination, do deny that they have been any further than Madagascar. But we shall endeavor to search out the truth, and bring them to a trial; after which, shall give your Lordships a more particular account, and in the mean time shall conclude, with our hearty prayers to Almighty God, for your Lordships' health and prosperity.

Your Lordships's most humble and obedient servants,

SAMUEL CRANSTON, Governor.

In behalf of himself and Company.

Newport, on Rhode Island, in his Majesty's Collony
aforesaid, May the 8th, 1698.

Postscript. May it please your Lordships: Enclosed, is a letter to our Sovereign Lord, the King, which we most humbly request your Lordships will be pleased to

favor us so much as to convey it safely to his Majesty's hands, the which will ever oblige

Your Lordships' most humble and obedient servant,

SAMUEL CRANSTON, Governor.

Proclamation of the Rhode Island Assembly concerning Piracy.

A PROCLAMATION.

Whereas his most gracious Majesty, William the Third, over England, Scotland, France and Ireland, &c., King, hath formerly sent unto this his Majesty's government a Proclamation for the seizing of all pirates, and in especial manner Henry Avery, and severall of his company; whereupon this his Majesty's government, aforesaid, did forthwith cause the said Proclamation to be published throughout the Collony, and did take care for the search, and apprehending of them, if any within the said Collony. And now there being information given to the government that severall persons are lately come into said government, which are justly suspected by their great quantities of foreign coin, and East India goods, to be pirates and robbers upon the high seas. We having also received a letter from the Right Honorable the Duke of Shrewsbury, his Majesty's Principal Secretary of State, by his Majesty's especial command, bearing date from Whitehall, September the 25th, 1697, and came to our hands this day, being the 6th instant; wherein his Majesty doth signify his express pleasure to the severall Governors of the Collonies and Plantations, that they use their utmost diligence, and strictly enjoin the same to all officers under their command, that due care be taken within the limits of their severall jurisdictions to arrest and seize said persons, and secure, &c.

In obedience thereunto, and for the preventing of such evill practices, we his Majesty's Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, &c., sitting in Newport, this 4th of May, 1698, do in his Majesty's name, order and require all Magistrates and Ministers of Justice in said Collony, both civill and military, to do their utmost endeavor for apprehending such suspected pirates, that they may be brought forth to condign punishment; and also to prohibit all persons within this said Collony from entertaining them the said suspected pirates or their goods; but on the contrary, they are strictly required forthwith, upon discovery of any the said persons or goods, to give notice thereof to some person in authority, and upon neglect thereof, or upon due proof made, that any person or persons as aforesaid, do connive at or entertain any of the said suspected persons, and do not discover the same as aforesaid, they shall be proceeded against as abettors and confederates with them, &c.

God save the King.

The above written Proclamation, with his Majesty's and your Lordships' letters, relating to piracy, have been published throughout this government by beat of drum, &c.

As attests (signed),

WESTON CLARKE, Recorder.

Mr. Randolph to the Board of Trade, on Rhode Island Affairs.

Boston, May the 30th, 1698.

May it please your Lordships: I wrote to the Board very largely from New York, to which I humbly refer your Lordships. I left that place the 21st instant, and came to Rhode Island the 24th, following; where Walter Clarke (a Quaker) being severall years Governor, quitted the place because he would not take the oath enjoyned him by the Acts of Trade; and Samuel Cranston (Clarke's nephew) is Governor there, to the same end as Mr. Markham is Governor in Pennsylvania, only to take the oaths enjoyned by the Act for preventing frauds.

But the management of the government (such as it is), is in the hands of Quakers and Annabaptists. Neither Judges, Jurys nor Witnesses, are under any obligation, so that all things are managed there according to their will and interest.

Mr. Brenton delivered the Commission to the severall officers of the Court of Admiralty, to be erected in that Collony, which Mr. Clarke, the late Governor, opposed.

Coll. Peleg Sanford, Judge of the said Court, went to Walter Clarke, when he was Governor, to be sworn to the true performance of his office. Clarke took his Commission from him, carried it to the Assembly sitting about that time, and acquainted them that the allowing of a Court of Admiralty to be erected in that Collony would utterly destroy their Charter. By which they were empowered to erect a Court of Admiralty, and appoint the officers thereunto belonging.

Some time after, Coll. Sanford demanded his Commission (for Judge) of Walter Clarke, which he then absolutely refused to give him.

The present Governor has likewise refused to give the Judge of the Court of Admiralty his oath, telling me, that he has no authority or directions for so doing.

Not long before my landing at Rhode Island, eight pirates came from Fisher's Island (belonging to the present Governor of Connecticut Collony), with a great deal of money and East India commodities, which they brought in their brigantine (from Madagascar), now lying at New York.

Upon the arrival of the Fown Frigate in Rhode Island harbor, six made their escape from thence to Boston, with a great quantity of East India goods and money. But Robert Munday and George Cutler (two of them) were seized upon, and about 14 or £1500 in silver and gold was taken from them; and (as the Governor tells me) is in his custody. They were put in prison; but about two days after, they were admitted to bail, by the Governor's order (as I am informed), Gresham Clarke, one of the Governor's uncles, being their security; by which means they have opportunity given to make their escapes, leaving their money to be shared by the Governor and his two uncles, who have been very great gainers by the pirates, which have frequented Rhode Island. Three or four vessels have been fitted out from thence to the Red Sea.

Walter Clarke, the late Governor, and his brother, now the Recorder of the place, have countenanced pirates and enriched themselves thereby. Their Deputy Governor, John Greene, granted a commission to one of the pirates (who went from thence to the Red Sea), without any security given by the master.

The House of Deputies being the law makers, take no oaths nor engagements. They raise money upon such of the inhabitants as are not freemen of their Corporation, which they have no power by their Charter to do.

Walter Clarke called the people together to sign the Association. He told them, such of them as were willing, might do it; but because he himself refused to sign it, the people from his example, neglected to do it.

There are a great many men of good estates in Rhode Island, groaning under the oppression of this lawless government, who would do his Majesty faithful service, if either put under his Majesty's immediate government, or annexed to the Province of the Massachusetts Bay. They have offered to allow £500 per annum towards the support of a person appointed by his Majesty to be Governor over them. Till that's done, 'tis not possible for the Earl of Bellomont (the Governor of the Province of Massachusetts Bay) to suppress illegall trade and piracy, which were formerly most notoriously countenanced and supported in this place, and to this day continued in Rhode Island Collony.

Now for the better confirmation of what I have herein represented, I humbly move your Lordships to order that an authentick copy be made of all the laws of Rhode Island, now kept in loose papers, and transmitted to your Lordships (after they have been truly examined and compared by Coll. Peleg Sanford, Judge of his Majesty's Court of Admiralty, and Mr. Francis Brinly, men of great estates in that government), by which their ignorance in making, and their arbitrary execution of those laws, will most evidently demonstrate, that they are no way capable to govern the people in that Collony.

All which is humbly submitted to your Lordships, by your Honors' most humble servant,
E. RANDOLPH, S. G.

June the 6th.

I am this day informed that the Governor of Rhode Island intends to appoint a Court and proceed to triall of Munday and Cutler, the pirates whose money the Governor has in his hands; and in case nobody appears (to prosecute them for piracy), to acquit them, and deliver them their money, notwithstanding the Earl of Bellomont sent them his Majesty's Circular Letter directed to all Governors in the Plantations to seize and apprehend the ships, goods and effects of all persons suspected for piracy, &c., which as I remember, Cranston, the Governor, acknowledged some that he had received.

Walter Clarke, the late Governor of Rhode Island, is highly displeased, that the oaths enjoyned by the act for preventing frauds, is to be taken by the Governor of that Collony; and also because his Majesty has ordered a Court of Admiralty to be erected there. I hear he is appointed their Agent to attend your Lordships, and to represent their grievances, and pray his Majesty's relief therein. They are raising money upon the inhabitants to defray his charges.

Governor Easton's Declaration relative to Privateers' Commissions.

I, John Easton, Sen'r, who was by the people, elected and chosen to the place of Governor of his Majesty's Collony of Rhode Island and Providence Plantations, in the year 1694, do declare, that whereas, John Greene, living in the town of Warwick, was Deputy Governor for the Collony in said year, did give forth a Commission to John Bankes, a privateer, one who was come into Newport, with one Capt'n Thomas Tew, a privateer, this may certify, that I would not give any Commissions to said Bankes, nor any other, to go out on any such designs they went upon; wherefore, he got a Commission from said Greene, who without my order and

privity, did give said Bankes a Commission ; though I did use what means I could do, to prevent the same.

And furthermore, I never was against giving forth any Commissions to any that might a been for the security of the King's interest in this Collony. And that there may not things be other ways resented against us than they were, I have and do declare, as abovesaid, Newport, June the 4th, 1698.

As witness my hand,

JOHN EASTON.

June the 4th, 1698.

The abovesaid John Easton, did declare the abovesaid declaration to be true, and writ his name thereto before me. NATHANIEL CODDINGTON, Assistant.

Also the abovesaid John Easton, did declare to me the day abovesaid, that in the abovesaid year 1694, Capt'n Thomas Tew, came to him, and proffered him five hundred pounds if he would give him a Commission ; to which he answered, he knew not his design ; and the said Tew replied, he should go where perhaps the Commission might never be seen or heard of. The which he wholly refused to give. And further saith not. Taken before me.

NATHANIEL CODDINGTON, Assistant.

The Board of Trade to the Governor and Company of Rhode Island.

To the Honorable the Governor and Company of his Majesty's Collony of Rhode Island, in America.

Gentlemen : We lately received a letter from you, dated the 8th of May last, in answer to what we writ you the 9th of February, 1696-7, upon which we cannot but observe the long interval between the date of our said letter and your answer ; especially knowing certainly by the receipt of one of your officers, that our said letter did lay some months unanswered in your hands.

The subject of your letter is principally in vindication of your conduct in relation to piracies and pirates ; for which end you send us copies of an Act and Proclamation made by that government about those matters. And further seem to say that the Collony of Rhode Island was never concerned in countenancing any such persons or things. And upon the naming of William Mays as a person said to have been guilty of piracy, you answer, that he had his clearings from your Custom House, to go on a trading voyage to Madagascar with a lawfull commission to fight against the French, his Majesty's enemies.

All this is very well, and therefore in order to your more full and perfect vindication from the aspersions that have been, and are still cast upon that Collony and government, our commission obliging us to inquire into the true circumstances of those matters throughout all his Majesty's Plantations, and you offering the instance of William Mays's commission as a proof of the legality of your proceedings, we are very desirous to see the copies of all such like private commissions which have been granted at any time during the late war, by the Governor or Deputy Governor of that Collony, to any person whatsoever ; as also copies of the bonds given by all such privateers upon their receiving their respective commissions. And we accordingly require you forthwith, upon the receipt hereof, to send us true and authentick copies of all the said commissions and bonds.

You write also in your foresaid letter, that you had seized two persons and their money (by name Robert Munday and George Cutler), who denyed upon examination, that they had been any further than Madagascar; and that you intended to bring them to a trial, and would then give us an account. We wish you had seized also the other six of their comrades, who were under the same suspicion; and the East India goods and the money that they had with them. But however, since these two in custody, and promise to give us a particular account, we desire and require you to do it accordingly. That is to say: that you send us without delay, authentic copies of all proceedings relating unto them, from first to last, viz.: their examinations, imprisonment without bail or mainprize, according to the tenor of your forementioned act; or if they were admitted to bail, copies of the evidences upon which that was allowed; and of the security given for their appearance, together with a full account of their trial and sentence, and of the circumstances and persons and things that relate to this matter.

Your full and explicit answer to these things, will tend much to your justification, and we therefore expect you will despatch it with all possible dilligence. We expect also your answer to our letter of the 23d of February last, whereby we required you to transmit unto us authentick copies of all the acts or laws of that Collony; and in the mean time bid you heartily farewell.*

J. BRIDGEWATER,
PH. MEADOWS,
JNO. POLLEXFEN,
ABR. HILL.

Whitehall, October the 25th, 1698.

P. S. The letter which you sent us, directed to his Majesty, we sent to one of his Majesty's Principal Secretaries of State.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Kingstown, by adjournment, the 2d day of August, 1698.

Major Samuel Cranston, Governor.
Mr. Joseph Jencks, Jun'r, Speaker.
Mr. William Weeden, Clerk.

It hath been presented to this Assembly, the necessity of making a rate in this Collony for the defraying and paying the

* J. Carter Brown's Manuscripts, Nos. 29, 31, 32, 31, 35, Vol. III.

Collony's debts, and putting monies in bank, for sending an Agent for England, if need, shall require.

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That there shall be a rate of eight hundred pounds current money, levied upon this Collony, for the use and uses aforesaid, in manner following, viz.:

Newport,	-	£225.	Westerly,	-	£46.
Providence,	-	128.	Jamestown,	-	38.
Portsmouth,	-	140.	East Greenwich,	-	30.
Warwick,	-	46.	New Shoreham,	-	22.
Kingstown,	-	125.			

And it is further enacted by this Assembly and the authority thereof, That the said rate or levy shall be gathered after the manner and form hereafter mentioned, according to the proportion of each town.

1. That there shall be two men chosen in each town in said Collony, to inspect and take an account of each person's rateable estate, in the town where they dwell, and that they take an exact account of all male persons in their respective towns from the age of sixteen years, to sixty years of age.

2. The persons so chosen, having taken an exact account as aforesaid, shall make return thereof, to the Assistants or Justices of their respective towns by the 1st of September next.

3. That the persons so chosen, shall be allowed out of said rate the sum of three shillings per day for their service therein.

4. If the persons so chosen and appointed, shall refuse or neglect the performance of what is above specified, as to the taking an account of the persons' estates, and the number of males as aforesaid, shall be fined the sum of twenty shillings [for] each person; which fine shall be for the use of the poor of the town whereunto they do belong, to be taken by due course of law; and the Assistants or Justices to choose other persons till they can get them that will serve.

5. That two Assistants or two Justices in each town whereunto they belong, shall appoint the aforesaid persons; but in

such towns where there is but one Assistant or one Justice, [he] shall have the like authority, as aforesaid.

6. That the Assistants or Justices of each town, having received the aforesaid account, shall forthwith by warrant to the Town Sergeant of said town, cause the inhabitants of their respective towns to assemble and meet together, and make choice of three well qualified men, to whom the said account shall be delivered; who shall assess each person's rateable estate, according to an act made in the year 1695, so as to raise the sum assessed on each town; and shall be under the same penalty if they refuse, as they were upon the late levy of two pence on the pound.

7. That each male person from sixteen years to sixty years of age, shall pay the sum of one shilling per head, negroes and Indians and impotent persons excepted, without it be such as are freemen, and have set up any trade or calling in this Collony.

8. It is further enacted by this Assembly and the authority thereof, That if any person within this his Majesty's Collony, by any covin or fraud, or other deception, shall keep back any part of his or their rateable estate, and shall not give the persons thereunto appointed as aforesaid, a true account, that then one fourth part of all such goods and chattels so kept back, shall be forfeited; the one half to the informer, and the other half to the use of the poor where such person shall inhabit, to be recovered by due course of law.

9. That the Assistants and Justices of each town, shall forthwith, after the dissolution of this Assembly, make choice of two persons to take account of each person's estate, and the number of males as aforesaid; and upon the return of said account by said persons, the Assistants or Justices shall with what expedition may be, cause the inhabitants of their respective towns to assemble and make choice of three persons to assess the said rate as aforesaid.

10. And upon the said persons or the major part of them, assessing and proportioning the said rate, the Assistants or Justices, are forthwith to issue forth their warrants to the Consta-

bles of their towns to gather in one half of their said towns' rate by the 29th day of September next; and the same to be paid unto the Generall Treasurer at or before the last Wednesday in October next; the which shall be for the sending an Agent or Agents for England, if need shall be, or otherwise, as the Assembly shall dispose.

11. The other half of each town's rate, shall be gathered and paid into the Generall Treasury at or before the 25th day of March next; there to remain in order for the payment of the Collony's debts.

12. That an account of all and every person's rateable estate, be brought into the Generall Assembly in October next, in order that if any town be over-proportioned, it may be mitigated.

And whereas, this act declares that the Assistants and Justices in each town shall grant forth their warrants, it is to be understood that the Wardens in the towns where no Assistant nor Justice lives, shall have the like power, as aforesaid.

Voted, The Auditt chosen by the last Assembly, to auditt the Collony's accounts, hath made their return to this Assembly that they find of what was presented to them, that the Collony's debts amount to two hundred and sixty pounds; and what credit the Collony hath in the Generall Treasury is forty six pounds, which accounts signed by said Auditt, is allowed by this Assembly.

Voted, Whereas our Honored Governor, Samuel Cranston, Esq'r, hath presented to this Assembly the necessity that may be for the reception of the Lord Bellomont, if he should come into the Collony, for his honorable entertainment, it is the resolve of this Assembly, that in relation for the performing the premises, that our Honored Governor shall command out of the Generall Treasury, to the value of forty pounds, if there be occasion, upon the Lord's arrival here.

Voted, This Assembly having considered the great charge and expense that our Honored Governor is daily at on the Collony's concerns, have enacted, and it is hereby enacted, that there shall be added to the Governor's sallary the sum of

twenty pounds per annum ; so that the whole sum shall be thirty pounds, to be paid out of the Generall Treasury, upon demand.

Voted, Whereas at the first sitting of this Assembly, there were three men appointed to inspect into our body of laws, and to make their return to the Assembly upon adjournment to Kingtown, and they having not proceeded in the premises, this Assembly have again nominated the said three persons, to wit : Capt'n Nathaniel Coddington, Capt'n Henry Tew, and Weston Clarke, and have added unto them our Honored Governor Cranston, Mr. Thomas Olney, Capt'n Andrew Willett, for abbreviating and bringing into a body the Act of Assembly, in order to be sent home with all expedition, according to their Lordships' commands ; and they or the major of them, to make return of their proceedings to the Generall Assembly in October next, for their approbation. And for their encouragement, to allow them such sallary as may be convenient, with their reasonable expense in said affair.

Voted, This Assembly, upon consideration hath nominated Mr. Walter Clarke, Coll. Peleg Sanford, Major John Greene, Deputy Governor, Capt'n Nathaniel Coddington, Mr. Thomas Olney, and Weston Clarke, are the persons nominated to meet the Connecticut gentlemen to treat before the Lord Bellomont, about the west bounds of the Collony, when thereunto called.

And it is hereby enacted and ordered, That if the major part of said persons be removed by death or otherwise, before the said treaty, that then it shall be in the power of the Governor, Deputy Governor and Generall Councill to nominate other persons for the end and purposes afore premised.

Voted, Whereas there was a petition presented to this Assembly, by Thomas Durfee and Deliverance Durfee, his wife, late widow to Bikill Trip, of Portsmouth, deceased, for the settling and confirming the ferry between Rhode Island and Bristol, upon the heir of the said Bikill Trip, this Assembly, upon good consideration, do hereby enact, and it is hereby enacted, that the said ferry be stated upon the said Thomas Durfee and

his wife, till the said heir of the said Bikill Trip come of age, which will be in about seven years ; and that John Burden be also permitted to keep said ferry in equal priviledge with said Durfee ; and he being obliged, with said Durfee, during said time, to carry all Magistrates, Deputies, Jurymen, and all other persons being upon his Majesty's service, belonging to this Collony, and the post ferriage free, and to pay six shillings in money, yearly each, into the Generall Treasury ; prohibiting all others from using and following the said employ without license from the Assembly of this Collony. The said Durfee and Burden not to exceed their usual price for ferriage, without the Assembly's approbation ; any act to the contrary, notwithstanding.

Voted, That the Recorder shall have eight shillings out of each town treasury for the acts of this Assembly, under the seal of the Collony ; and that they be transcribed and sealed, and sent to each town within fourteen days after the dissolution of this Assembly.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Providence, the 26th day of October, 1698.

Major Samuel Cranston, Governor.

Mr. Joseph Jencks, Jun'r, Speaker.

Mr. William Weeden, Clerk.

Whereas, it was enacted by the Generall Assembly of this Collony, held at Kingstown, in said Collony, August the 2d, 1698, by adjournment, &c., that there should be a rate made, and assessed on the inhabitants of said Collony, reference to said act being had, may more at large appear.

And whereas said act in the assessing and gathering thereof

hath been wholly neglected by some towns, and in part by others, by reason whereof the proceeds thereof hath been stopped, which causes an absolute necessity for renewing the proceeds in the levying and gathering said rate :

Be it enacted by the Governor, Councill and Representatives in this present sessions assembled, and by the authority thereof it is enacted, That the said rate be wholly levied, gathered and paid into the Generall Treasury, on or before the last day of December next ensuing the date hereof.

And for the speedy and effectual proceeding in the levying and gathering of said rate, it is further enacted by the authority aforesaid, That within ten days after the adjournment or dissolution of this Assembly, which shall first happen, that the Magistrates, Justices of the Peace or Wardens of each respective town, who heretofore neglected or omitted in the aforesaid premises, shall cause the inhabitants of each town to meet together and make choice of their rate makers to assess the same. And the Magistrates, &c., to proceed in other methods according to the Assembly's act at Kingstown, aforementioned.

And in case the inhabitants of each town shall neglect or refuse to proceed as abovesaid, and in case they should proceed, and the persons chosen shall neglect, then the Assistants, Justices or Wardens of such town or towns, shall make return thereof to the Governor and Councill within six days after said meeting. Upon which the Governor and Councill shall make choice of such and so many able men to assess the proportion of such town or town's rate : and if occasion require, to appoint Constables or any other person or persons for the gathering thereof. And the persons so chosen, upon their refusing or neglecting to officiate or perform their charge therein, shall forfeit, as per the aforesaid act at Kingstown doth declare. And the Governor and Councill shall choose others in their rooms or place, till they can get them that will serve ; and all refusing, shall be under the same penalty as the first. And all other towns who have made proceeding in the assessing and gathering of said rate, shall proceed in the premises to the effectual finishing thereof, by the time prefixed.

And further it is enacted by the authority aforesaid, that the Governor and Councill shall, and have power by these presents to add to each town's rate which by their neglect shall cause the said Councill to be called for the finishing of said rate, the necessary charge which may thereby arise.

And it is further enacted by the authority aforesaid, That whereas the Generall Treasurer hath had for his fees the sum of two shillings in the pound, he shall have no more for the future allowed him than twelve pence in the pound, for receiving and paying the Collony's money.

Whereas, there hath formerly been, and yet remains great abuses in this his Majesty's Collony, in the selling of severall sorts of provisions and strong drink, by the hogshead, barrell and half barrell, &c.; and in particular of cider, beef, pork and mutton, the which being commonly sold in some such cask as above mentioned, and no certain gauge measure or limitation for the contents of any such cask, by any former act or order of this Collony; but every man left to the liberty of his own conscience therein, to sell in cask bigger or lesser, as he sees cause, which hath proved greatly to the loss and damage of many who were buyers of such provisions and drink, as above mentioned.

This Assembly do therefore enact, and it is hereby enacted, That one certain gauge or measure, be had and in use throughout this Collony, for gauging or measuring of hogsheads, barrels and half barrels, &c., the contents thereof to be as followeth, viz. :

The hogshead, sixty-four gallons, or upwards; the barrel, thirty-two gallons, or upwards; the half-barrel, sixteen gallons, or upwards.

And for the better performance of this act, be it enacted, That a man be chosen by the free inhabitants of each town in this Collony, and appointed to gauge all such casks as above mentioned, and a certain mark be appointed to every man so chosen, to fix to all such hogsheads, barrels and half barrels, &c., as shall be by him gauged or measured. And if any person or persons within the jurisdiction of this Collony shall

presume to sell beef, pork, mutton, or cider, or the like in any cask contrary to this act, the same to be forfeited, the one half thereof to the complainer, the other half to the poor of the town in which such complaint should be made ; and seizure thereof to be made by a due course of law by bill plaint or information. And the person therein found defective, shall have no assoin or protection, more than one imperlance.

Whereas, there is an act of this Collony, that no person within said Collony shall keep a tippling house or ale house, to sell any sort of liquor by retail, but such as shall have license from the Councill or Magistrates of each town ; and there being complaint made to this Assembly of the great neglect of severall towns in that affair :

Be it enacted by the authority aforesaid, That the Magistrates and Justices of each respective town of this Collony, do forthwith after the publication of this act, take care to put the said law in execution ; and all persons within said Collony are hereby strictly required to yield obedience thereunto, as they will answer the penalty thereon imposed.

And be it further enacted by the authority aforesaid, That every town within this Collony wherein any wolf shall be killed, shall pay to the killer thereof, ten shillings, besides ten shillings to be paid out of the Generall Treasury for every such wolf so killed, according to a former act.

And be it further enacted by the authority aforesaid, That the Constables of each respective town shall pay out of the late levy the deputies of their said towns, all their wages according to their bills, from under the Clerk's hand, before the convening of this present Assembly.

Whereas, there were severall persons appointed by the Generall Assembly, sitting at Kingstown, August the 2d, 1698, to take a copy of the laws of this Collony, and abreviate the same in a good method, to be sent for England, according to their Lordships' command, but through the remoteness of the persons so appointed, and the difficultness of their coming together, it has been wholly neglected :

Be it therefore enacted by the authority aforesaid, That it

shall be in the power of the Governor, with the Assistants of Newport, and the Recorder, or the major part of them, and that they take such further assistance as they shall think needfull for the performance of the same, and that they make what expedition they can for the perfecting what is needfull in said laws, and when perfected, if any opportunity present before the next sitting of the Assembly, to remit the same to their Lordships. And that the Governor shall have full power to transmit the said laws, with the advice and approbation of the Generall Councill ; and also to address their Lordships in such things as shall be needfull in behalf of the Collony ; and to be allowed the same as the persons appointed at the former Assembly.

And it is further enacted, That the aforesaid acts shall be published in the town of Providence, by beat of drum, the 30th of this instant ; and by vote of the House of Magistrates, the said Assembly was dissolved.

God save the King.

Representation to the King about the irregularities in the Government of Rhode Island.

To the King's Most Excellent Majesty :

May it please your Majesty :—By the accounts received from your Majesty's Plantations, in America, we have been made sensible of the mischiefs arising there, from irregular trade, and piracies ; and having thereupon in severall occasions humbly offered to your Majesty, such things as seemed to us requisite for the redress of those evils, not only in generall, but with more particular regard to some of the said Plantations. We further beg leave to lay before your Majesty what has occurred to us, relating to the Collony of Rhode Island, where practices of both these kinds have been very notorious.

The said Collony is incorporated by Letters Patent, under the great Seal of England, by the name of the Governor and Company of the English Collony of Rhode Island and Providence Plantations, in New England, in America, and governed by a Governor, Deputy Governor, and ten Assistants, with other subordinate officers, and a Generall Assembly ; all chosen by themselves.

It has been frequently intimated to us by the officers of your Majesty's customs there, and others, that the whole body not only of the Magistrates, but inhabitants of this Collony, pretending to be exempt from the obligation of taking any oath, and acting accordingly in all occasions with that latitude, their partiality is so great, that no manner of justice is done, or can be expected amongst them, when it interferes with their own interest.

One instance thereof, we have had in the refusal of Walter Clarke, late Governor of that Collony, to take an oath for the observance of the acts of trade enjoined by the acts of Parliament passed here in the seventh and eighth years of your Majesty's reign, for preventing frauds and regulating abuses in the Plantation trade, when required to do it, by Commissioners especially appointed by your Majesty for that purpose; concerning which we humbly refer ourselves to the annexed report of Peleg Sanford, Francis Brinly and Jahleel Brenton, three of the said Commissioners.

Their favoring of pirates and carrying on illegal trade, has been so often complained of, and the instances hereof are so manifest, that we cannot doubt the truth of it. And this belief we are more particularly confirmed in, by letters from the Right Honorable the Earl of Bellomont; and also from Mr. Randolph, Surveyor Generall of your Majesty's Customs, intimating that the Governor of that Collony pretended to a right of erecting a Court of Admiralty. And that having seized some pirates with their money, they designed to try them, and probably would acquit them. To which his Lordship adds, that he is well informed what constant encouragement they give to pirates to come in there with their spoils, and likewise what connivance is made at the breach of all the acts of trade. From whence it may be concluded, that there will be but very faint prosecutions of those crimes in a Court of Admiralty of their own erecting.

Whereunto we crave leave to add, that though we do not find that they have any right to Admiralty power or jurisdiction, yet they have frequently granted commissions of war to privateers, which practice has been owned to us, and insisted upon as lawfull, in a letter from the present Governor, Samuel Cranston, with relation to one William Mays, of whose piracies we were otherwise informed; and particularly, that he assisted Avery in taking the Mogull's ship, the Gunsway, saying, "that the said Mayes had his clearings from the Custom House, at Rhode Island, to go on a trading voyage to Madagascar, with a lawfull commission from the government, to fight the French, his Majesty's enemies."

And we are not only assured that they granted those commissions, without any lawfull authority (as we conceive) from their Charter, or otherwise, but have reason to believe that they have done it knowingly, for very unlawfull ends and purposes, of which the trade to Madagascar mentioned by them (as it has been managed by the people of this Collony and others), is a strong indication.

We further crave leave to offer, that your Majesty having been pleased to direct Courts of Admiralty to be erected by commissions from the Lords Commissioners of the Admiralty, in all your severall Plantations, in America. And a commission having accordingly been sent to Peleg Sanford, aforementioned, for the office of Judge of the Admiralty in that Collony, the aforementioned Walter Clarke (being then Governor) did not only refuse to administer unto the said Sanford an oath for the due execution of his said office, when thereunto required, but also detained from him the commission itself, upon his exhibiting the same in order to his admission. And by means thereof, your Majesty's intentions of establishing a Court of Admiralty in that Collony (as in the other Plantations), for the impartial trialls of all causes relating to infringements of the acts of trade, is at present frustrated.

We likewise humbly represent to your Majesty, that notwithstanding the forementioned act of Parliament for preventing frauds and regulating abuses in the Plantation trade, does require that the Governors of all proprietries and Charter governments in America, should have your Majesty's Royall approbation to autho-

rize them to act in their respective stations, yet this Collony of Rhode Island, have not presented their Governors to your Majesty to be so approved and authorized ; in which also the greatest part of the other Proprieties and Charter governments have been in like manner faulty. And notwithstanding that in pursuance of your Majesty's directions, upon the address of the Right Honorable the Lords spiritual and temporal in Parliament, of the 18th of March, 1696-7, we required the Governor and Company of that Collony to give security to the Earl of Bellomont for their Governor's obedience to the Instructions that should be sent him from your Majesty, or any acting under your Majesty's authority, pursuant to the severall acts of trade relating to the Plantations, according to the said address ; yet we do not find that they have done it : which also all the other Proprieties and Charter governments have in like manner declined ; as we have in severall occasions reported to your Majesty, with our humble opinion that the obliging them to give such security, would be of great efficacy towards the redressing of many irregularities in the Plantations.

This being the state of your Majesty's Collony of Rhode Island (as it now appears to us), we humbly offer unto your Majesty, in order to the prosecution of these and other high misdemeanors of that government, and for the redress of the same, that a Commission of Inquiry be despatched to the Right Honorable the Earl of Bellomont, empowering him to examine upon the place or otherwise, persons or witnesses, in order to the procuring of legal evidences, and requiring him to report to your Majesty the severall informations and proofs that he shall receive thereupon, in order to a Quo Warranto, or such other proceedings for the remedy of those evils, as to your Majesty shall seem meet.

All which nevertheless, we most humbly submit.*

J. BRIDGEWATER,
PH. MEADOWS,
WM. BLATHWAYT,
JNO. POLLEXFEN,
ABR. HILL.

Whitehall, December 21, 1698.

[Upon the reading of the above "Representation," before the King in Council, January 5, 1698-9, it was ordered, that a Commission of Inquiry be despatched to the Earl of Bellomont, to procure legal evidence in relation to the charges set forth in said Representation. The government was furnished with a series of questions to be given the Commission of Inquiry, with a view to the "discovery of irregularities in Rhode Island," accompanying a memorial from Jahlcel Brenton ; who availed himself of this opportunity to make certain charges against men high in office in the Colony. The queries suggested, were incorporated in the letter of instructions to the Earl of Bellomont. At the same time, the Board of Trade wrote to the Governor and Company of Rhode Island, under date of February 3, 1698-9, informing them that the Commission of Inquiry had been created, accompanied by a copy of the "Instructions." The satisfactory result of this Commission, adds the Board, will be the "most effectual means of wiping off the ill report which has lain upon Rhode Island, for irregularities."—J. R. B.

* J. Carter Brown's Manuscripts, Vol. III, No. 36.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, February the 14th, 1698-9.

Samuel Cranston, Governor.

Mr. Benjamin Newbery, Speaker.

Mr. Edward Carr, Clerk.

Whereas, severall credible informations hath been given to this Assembly of the illegall proceedings of the Commissioners of the Collony of Connecticut (appointed to treat about the bounds between this Collony and the Collony of Connecticut), in giving forth severall copies and other writings, and declaring severall reports to the inhabitants of Westerly and Kingstown, wherein they did declare that the Commissioners of this Collony had consented with them, that the inhabitants of said Westerly and Kingstown should pay no rates or taxes, nor any other imposition, till his Majesty had made a decision to which government they did belong, the which report or declaration of said Commissioners, if true, is wholly out of order, and contrary to their commissions from their Honored Governor (as doth appear by a copy thereof, lying before us), and did tend wholly to the disturbance and disquieting the inhabitants of the government; and to prevent and deterr the levying and gathering of the late levy, to uphold the privilege and interest of this Collony, and hath given great advantage to those that are ill-affected to this government to make commotions and disturbance in the same; this Assembly taking the above matter into their serious consideration, and considering the ill consequence that may follow if there be not some speedy care taken, said Assembly do declare against the same.

And it is hereby enacted by the Governor, Councill and Representatives in this present sessions assembled, and by the authority of the same be it enacted, and we do hereby strictly

in his Majesty's name require all his Majesty's loving subjects inhabiting within this government, and more particularly the inhabitants of Westerly and Kingstown, from yielding any obedience or making any submission to the Collony of Connecticut or the government thereof, till his Majesty's pleasure be further known, or that there be a decision made concerning the created difference between this his Majesty's Collony of Connecticut aforesaid, upon the penalty of being proceeded against according to law, and the laws of this Collony, in such cases provided.

And this Assembly taking into their further consideration the many intruders into or on the lands and propriety of the lands in the Narragansett country, they having no power or authority from the true owners and proprietors thereof, as we are informed :

Be it therefore further enacted by the authority aforesaid, That this be a prohibition against all intruders into the lands and propriety of the Narragansett country ; and all persons whatsoever, having no just claim or property in said country, are hereby prohibited from making any settlement in said Narragansett without the leave and approbation of this his Majesty's authority, or the true and rightfull proprietors thereof.

And be it further enacted by the authority aforesaid, That the Magistrates and Justices of Kingstown and Westerly shall make strict inquiry what persons there are already settled in said Narragansett country, without the approbation of this his Majesty's authority, or the true proprietors thereof. And also such persons having so settled themselves, without approbation as aforesaid, the said Magistrates or Justices shall warn the said persons forthwith to depart off from said lands, or agree with the owners or proprietors thereof; the which if they refuse or neglect to do, to make return of such person or persons to the Generall Assembly, that they may be dealt with according to their demerits.

And it is further enacted by the authority aforesaid, That the Recorder shall forthwith send forth a copy of the Generall Assembly's Act, made at Providence, in October last, concern-

ing the late levy, to those towns that have neglected to assess the late levy according to said Act; and that the said towns have longer time, till the last Tuesday in March next to assess, gather and deliver their said rates into the Generall Treasury. The which, if they refuse or neglect to do, then the Generall Councill shall proceed according to the said Generall Assembly's Act, at Providence, aforesaid.

At a Generall Assembly of this his Majesty's Collony, sitting at Newport, January the 11th, 1697-8, there were Commissioners appointed to treat with the Commissioners of his Majesty's Collony of Connecticut, in order to an amicable agreement and final determination of the created difference between said Collonys, in respect to bounds. And the Commissioners appointed by this government having made a return unto this Assembly of their proceeds therein, wherein we perceive the unreasonable demands of the Commissioner of Connecticut of and to the whole tract of the Narragansett country; and the greatest part of the ancient towns of Warwick and Providence, as will appear by their memorial under their hands, the which propositions and demand being not accepted of, nor consented to by the Commissioners of this Collony (as we are informed), by our said Commissioners, was the reason that the said difference was not issued and composed, although the Commissioners of this Collony did for peace and quietness, and to prevent future trouble, consent to the parting with a considerable tract of land within the just claim and government of this his Majesty's Collony, granted by his Majesty's most gracious Charter. But this, his Majesty's Assembly, to show how unwilling they are to have any difference with their neighbors, and how willing they are to make an issue and composure of the aforesaid created difference, are contented to suffer rather than contend.

Be it therefore enacted by the Governor, Councill and Representatives, in this present sessions assembled, and by the authority of the same it is enacted, That the same Commissioners, viz.: Maj. John Greene, Deputy Governor, Capt. Nathaniell Codrington, Mr. Thos. Olney, and Mr. Weston Clarke, Esq., to whom we add Col. Peleg Sanford, Esq., are still empowered as Commis-

sioners to treat with the Commissioners of Connecticut, and are continued in the like power and authority they had from the abovesaid Assembly, and to act by the commission or commissions already granted by our honored Governor, for that end and purpose. Always provided, that the said Commissioners do follow such orders and instructions as shall be given forth by this or any other of his Majesty's Assemblys of this Collony.

And it is further enacted by the authority aforesaid, That the said Commissioners shall, when thereunto called, make return of their proceeds to the Generall Councill, or to the next Generall Assembly, if the Generall Councill shall think needfull.

And whereas, it is remonstrated to this Assembly, that one thing insisted on as a means of obstructing the agreement between the Commissioners upon their former treaties, was the hindering and obstructing some of the people of Connecticut and other Collonies from settling their properties in the Narragansett country (as they do pretend to), this Assembly do therefore declare, that it is their resolution to maintain the liberty and property of all his Majesty's subjects claiming any right within this Collony, according to law and equity. And the law is, and has been open for any person to recover his just right and interest within the same.

And for further confirmation, be it enacted by the authority aforesaid, and it is hereby enacted, That if there be any of the inhabitants of Connecticut or any other Collony or government, whatsoever, claiming any right or property within the jurisdiction of this government, they shall not be obstructed or any ways molested in the asserting, settling and improving of their just right and property, according to their claims;—provided, it be done in an orderly and legall way, according to law.

Whereas, divers transient persons and trading strangers are continually coming into all parts of this Collony with a quantity of sundry sorts of goods and commodities, retailing the same from house to house, in chambers, warehouses, and other places, for some time, and then going away to another place,

gathering up quantities of ready money and carrying it off, and who pay little or no acknowledgment to the government, or scot or lote, nor are at those charges the freemen and inhabitants that trade are at, who also trust the inhabitants, and yearly take off considerable quantities of the produce of the Collony in part of pay, which the other transient traders do not; but carry off the ready money, to the damage not only of the traders but of the government and inhabitants in generall. And not only so, but some of said transient traders taking up quantities of goods of the merchants in Boston, &c., come here and vend them at low rates, and then run away, and never pay said merchants as severall hath done; all which is and will be of very ill consequence to the government and inhabitants, if not redressed.

For the preventing of which inconveniency, and in direct way of trade, and that the government may receive some proportionall consideration from them, as well as from the inhabitants and freemen, be it enacted by the authority aforesaid, and it is hereby enacted, That from and after the publication of this act, no person whatsoever (not admitted an inhabitant or freeman according to the law of this Collony), shall be permitted to retail any commodity, either in shop, warehouse, chamber, vessell, or any other place in any town of this Collony, before said person has entered his name, with an invoice of the particular species and value of said goods he intends to retail, with the Clerk of said town, upon the penalty of forfeiture of all said goods and commodities that shall be found in his custody; one-third to the informer, one-third to the Governor, and one-third to the town. And for every ten pound value of said goods entered and sold, he shall pay to the town Clerk five shillings money, which said money and invoice shall be produced at the next Town Councill, in order to pay said money into the Town Treasury, for the use of the poor, and mending of highways and bridges. And the said Clerk shall have for receiving and remitting of said money as the Town Treasurer hath.

And it is further enacted by the authority aforesaid, That

no merchant, factor, or any other person whatsoever, that shall bring on shore any goods into any town of this Collony, not admitted an inhabitant or freeman, as aforesaid, he shall not have liberty to expose any of said goods by wholesale, before he enter his name, with an invoice of his goods, with the Town Clerk, upon the penalty aforesaid; which said invoice shall be transmitted to the next Town Councill, who are hereby empowered to assess said person, for the poor, at their discretion, not exceeding twenty shillings for every hundred pounds value of said goods sold; and shall not have liberty to retail any thing before he hath paid as aforesaid, upon the penalty aforesaid.

Provided always, and it is hereby enacted, That neither this act nor any clause therein, shall extend to any person that shall bring in only grain, provisions, or other produce of this or our neighbor Plantations, into any town in this Collony; always excepted, and it's hereby intended, that this Act nor no part thereof, shall be construed to extend to the causing any trouble or debate upon any fairs allowed by the Generall Court's Acts already made and passed, or may be at any time enacted and settled by any Act of the Assembly for the future, to settle any fairs in any town in this Collony; so that the persons that shall bring any traffic to the said fairs, shall not transport their goods to any towns in this Collony on further trade; nor trade in any of said towns where the fairs are held, after the fairs are passed, but by following the aforesaid Act.

Whereas, information hath been given to this Assembly by Capt'n Richard Arnold and Mr. Joseph Williams, Assistants, that complaint hath been made unto them by some of the inhabitants of Mashantacutt, or on the north side of Pawtuxet River, being within the township of Providence, that they are rated by the inhabitants of Warwick, and threatened by said Warwick men that they will make distraint upon their goods and estates if they refuse to pay, and the said Capt'n Arnold and Mr. Williams complaining to this Assembly against the illegal proceedings of said Warwick inhabitants, and if there be not a stop put to such enormities, it will prove prejudicial to the whole Collony; and more particularly to the town of

Providence, the inhabitants whereof being very much dissatisfied, and will be very unwilling to pay the late levy, if there be not a stop put to the aforesaid proceeds of Warwick inhabitants, this Assembly taking the premises into their serious consideration, and to prevent the encroachment of one town upon another, and to keep peace and unity amongst the inhabitants :

Do enact, and it is hereby enacted by the authority aforesaid, That prohibition shall be granted forth from this Assembly, to prohibit the said Warwick inhabitants from exercising any jurisdiction of government relating to township on the north side of Pawtuxet River, or on any of the inhabitants of that part of the country called Mashantacutt, either by levying any rate, or any other imposition, upon the penalty of being proceeded with according to law.

And we, his Majesty's authority, now convened in Assembly, by order of the Honored Governor and Councill, and debate of the matter abovesaid, do enact and by the authority of this Generall Assembly enact, require and command, all person or persons within the township of Warwick, from and after the publication of this act, not to exercise any authority relating to jurisdiction of government on the north side of Pawtuxet River, or on any of the inhabitants of the country called Mashantacutt, by levying of any rate on any person or any other imposition to be passed on any of them being contrary to former Acts made on the decision of the townships (but what shall pass by due form from the township of Providence). And any person or persons, that contrary to this Act shall presume to proceed in any such illegall way or practice forbidd by the aforesaid Act, we declare they shall be looked at as violators and breakers of the former Acts for the regulation of such things, and shall be proceeded with according to the laws of this his Majesty's Collony, on all penalties, as the laws shall inflict and impose on him or them so found guilty, and by legall conviction proved against them.

And it is further enacted by the authority aforesaid, That there shall be an auditt appointed, to auditt all the accounts

that shall be presented to them, wherein the Collony shall appear to be indebted to any person.

And that care may be taken to clear the whole Collony's debts, the persons appointed are Capt'n Nathaniel Coddington, Mr. Weston Clarke, and Lieut. John Holmes, who are to continue on the auditt till the next sitting of the Assembly, at the Generall Election.

And it is further enacted by the authority aforesaid, That the power invested in the Governor, and Magistrates, &c., as per the Generall Assembly's Act at Providence, relating to the laws transcribing and sending for England, shall continue till perfected, as per said Act will appear, or till the next sitting of the Generall Assembly, with a return thereof.

Whereas, this Assembly have had some information, that the ways of marriage, which by law hath been solemnized throughout the Collony, according to the laws and ordinances made and enacted for that end. But some neglect has been in not so duly by some people in most towns in this Collony, in not making record of their marriages, and births of their children, and not entering on record according to the laws so enacted and made, the register of the persons deceased, whereby some persons have taken the advantage of the law, to render such people in said Collony, not duly observing the Act of registering their marriages, &c., as to declare all such children born, not under the register abovementioned, to be illegitimate, which looks not well in any person or persons so casting any reproach on any, and for a more orderly registering the marriages, births and burials according to the laws of the Collony :

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That all marriages that have been solemnized throughout this Collony, according to the laws of the Collony, shall, and are hereby declared to be lawfull and good in the law, to issue and children born, to inherit and possess any lands, &c., although there hath not been that due care in registering the marriages and births, &c., according to any former Act made or enacted in any wise to the contrary notwithstanding.

Nevertheless, it's the intent of this Act, that all persons for the future shall duly and truly observe the Acts and laws of this Collony, to proceed in marriages in all towns in this Collony, and by carrying in to the Town Clerk of each town their marriages and births of their children, and burial of their dead, within ten days after all such things are passed. And every Town Clerk of every town shall make a due and true record thereof.

And be it further enacted, That the Town Clerk of every town, shall return to the head Magistrate of every town, or Chief Justice of the Peace, once in a year, the account of all such marriages, births and burials, when required, that a due course in law may be observed : and the table of fees shall be as followeth :

	£	s.	d.
To the Magistrate, that joins or pronounceth the lawfulness of the marriage, and for a certificate to the persons married, -	0	3	0
The Town Clerk's fees :			
To registering the marriage, -	0	0	6
To registering births, each, -	0	0	4
To registering burials, each, -	0	0	4

And it is futher enacted by the authority aforesaid, That the Recorder shall have from each town in this Collony (for the copies of the Generall Assembly's Acts at Providence, in October last), and for the copies of this Assembly's Acts, the sum of eighteen shillings in money, to be paid by each town as aforesaid ; and that this Assembly's Acts be published by beat of drum in the town of Newport, the 21st instant, at ten o'clock, the forenoon ; and that this Assembly be adjourned to the Colony House, the first day of May next, without the Governor, or Deputy Governor, sees cause to call it sooner.

God save the King.

WESTON CLARKE, Recorder.

Instructions to the Earl of Bellomont, etc. etc., to inquire into the misdemeanors of Rhode Island.

Instructions for our Right Trusty and well beloved Cousin, Richard, Earl of Bellomont, Captain Generall and Commander in Chief of our Provinces of the Massachusetts Bay, New York, and New Hampshire, and of the territories thereupon depending, in America.

With these Instructions, you will receive our Commission, under our great Seal of England, authorizing, empowering, and requiring you to inquire into the disorders and irregularities countenanced and practiced by the Governor and Company of our Collony of Rhode Island and Providence Plantations, in New England, in America, and thereupon to examine persons and witnesses, or to cause inquiries and examinations to be made upon the place or otherwise, in order to the procuring of full and legall evidences of the misdemeanors of the said Governor and Company, and to make report thereof unto us.

In order to your proceeding therein, you shall therefore by the first convenient opportunity, according as the importance and circumstances of our service in any of our respective Plantations, in America, committed unto your charge, will permit, repair unto our foresaid Collony of Rhode Island, or if that cannot conveniently be done, you shall send and appoint fit persons to make inquiries, and take examinations there upon oath, concerning all things relating to the male administration of the respective Governors and Company of our said Collony, since our accession to the Crown of these kingdoms. And as occasion offers, you shall also make or cause to be made, the like inquiries, either in the place of your residence, when you receive our forementioned Commission, with these our Instructions, or elsewhere, as you find it may be necessary or useful to the end proposed.

And for the better discovery of all the irregular and illegal practices of the said respective Governors and Company you shall in our name require from those at present in authority in our said Collony, authentic copies of all the acts of their Generall Assemblies, which are now in force amongst them ; as also of the journals of their publick proceedings, as well in Councill as in Assembly, and of the commissions of war granted by any of them to commanders of ships. As also of other public records, registers, or entries, relating to the administration of that government, which may best tend to discover the disorders and irregularities countenanced or practiced in it.

You shall carefully consider and weigh all the forementioned acts, journals, and other papers relating to the proceedings of the foresaid respective Governors and Company in the administration of the government of our said Collony, or cause the same to be so considered by capable and proper persons. In order to compare the methods and rules established by them or any of them (together with their proceedings thereupon), with the laws of this our kingdom of England ; and more particularly with the Patent or Charter by which they are incorporated (of which Charter you are therefore likewise to require a copy from those that are at present there in authority), and to observe in what particulars either their practice or any of the methods, rules, or laws so established amongst them are repugnant to the laws of this kingdom ; as also in what other things they have deviated from and gone con-

trary to the rules prescribed by their forementioned Charter, or have usurped and exercised any authority beyond the powers therein conferred upon them.

And for the more effectual execution of our will and pleasure in this matter, you shall call to your assistance, or direct those that may be appointed by you for this service, to call to their assistance, Francis Brinley, Peleg Sanford, Nathaniel Coddington, Caleb Arnold, Josias Arnold, or any of them, or any such other persons as you or those appointed by you, shall find upon inquiry, and judge to be most capable and best disposed to give you or them such true and perfect informations as may enable you to form a scheme of inquiries proper for the service now required from you.

The subjects upon which you are to make more particular inquiries, are the officers employed in any part of the administration of that government, and the legality of their qualifications for the execution of their respective offices. The acts of Assembly or laws of that Collony, the administration of justice and Courts established amongst them for that purpose. The constitution of their militia, as well with relation to the election of officers as to the training of the inhabitants in martial affairs. The commissions of war which they have at any time granted to commanders of ships, and their conduct in relation to piracy, or to persons either known or who might reasonably have been suspected to be guilty thereof; and also in relation to illegal trade and traders.

Upon all which things, and others that you may yourself find convenient, you are to observe as before directed; the agreements or disagreements of the methods established amongst them, with the Charter for their incorporation. Their practice and behaviour in the execution of their own laws or rules; their observation or breach of the acts of Parliament passed in this our kingdom of England, which have any relation to our Plantations in America; especially of the act passed in the seventh and eighth years of our reign, entitled "An Act for preventing frauds, and regulating abuses in the Plantation trade," and more particularly of that clause in the said act, by which the respective Governors of our said Collony (as those in other Proprieties), are required before their entrance upon the government, to have our allowance and approbation, and to take the same oaths that are enjoined to be taken by the Governor or Commanders in Chief in any other [of] our Collonies and Plantations. And accordingly you are to make inquiries or cause inquiries to be made, as aforesaid, upon oath, for the full and clear discovery of all the misdemeanors committed, practiced or countenanced in the administration of the government of our foresaid Collony.

Further, besides the several inquiries which you shall find it necessary to make or cause to be made, in pursuance of these foregoing Instructions, our will and pleasure is, that you likewise take care that the persons hereunder named, be examined upon oath, to the following particular queries, viz.:

Walter Clarke, Esq'r, late Governor of the foresaid Collony of Rhode Island, &c.

Q. Did you grant any commissions during the late war, to any privateers?

Q. To whom did you grant any such commissions?

Q. Did you not grant a commission to Robert Colly, commander of the Pellican.

Q. What security did you take of him?

John Greene, Deputy Governor of the Collony of Rhode Island.

Q. Did you grant any commissions during the late war, to any privateers?

Q. To whom did you grant any such commissions ?

Q. Did you not grant a commission to John Banks ?

Q. Did you not grant a commission to William Mayes ?

Q. Did you not grant a commission to Thomas Tew ?

Q. Did you not grant a commission to Peter Lawrence ?

Q. What security did you take of Banks, Mayes, Tew and Lawrence ?

Q. By what authority did you, being Deputy Governor of the said Collony, grant any such commissions, when there was a Governor then in the government and in the execution of his office ?

John Easton, Esq'r, late Governor of the Collony of Rhode Island ?

Q. Did you grant any commissions to any privateers, during the late war ?

Q. Did you consent to John Greene, the Deputy Governor's granting any such commissions whilst you were Governor ?

Q. Did you any ways declare against or forbid the said Greene to grant any such commissions ?

Walter Clarke, Esq'r, late Governor of the Collony of Rhode Island ?

Q. Did you not know or have you not seen during the time you were Governor of the Collony of Rhode Island, Cornish and Downe in your government ?

Q. Did you not hear that the said Cornish and Downe were not of the pirate Avery's company ?

Q. Was Cornish apprehended and committed to prison ?

Q. Was Downe apprehended and committed to prison ?

Q. Did either of them make his escape out of prison ?

Q. How did he make his escape ?

Q. Was the Sheriff prosecuted for suffering him to escape ?

Samuell Cranston, Esq'r, present Governor of the Collony of Rhode Island.

Q. Did you not know or have you not seen during the time of your being Governor of Rhode Island, &c., Cornish and Downe in your government ?

Q. Did you not hear that the said Cornish and Downe were of the pirate Avery's company ?

Q. Was Cornish apprehended and committed to prison ?

Q. Was Downe apprehended and committed to prison ?

Q. Did either of them make his escape out of prison ?

Q. How did he make his escape ?

Q. Was the Sheriff prosecuted for suffering him to escape ?

Q. During the time you have been Governor of the Collony of Rhode Island, &c., did you not know or have you not seen Robert Munday and George Cutler in your government ?

Q. Did you not hear or suspect that the said Munday and Cutler had been a privateering, or committing piracy in the East Indies ?

Q. Were they apprehended and committed to prison ?

Q. By whom was the warrant for their commitment signed ?

Q. Were they admitted to bail after they were committed ?

Q. By whom were they admitted to bail ?

Q. Was any complaint made to you against them after they were admitted to bail ?

Q. Was not complaint made to you that they were seen armed with pistols, or did you not hear that they were seen armed with pistols ?

Q. Was not complaint made to you that they affronted and abused his Majesty's subjects ?

Q. Were they not at bail upon their good behavior ?

Q. Did you cause their bonds to be prosecuted ?

Q. Were they not taken up a second time and committed without bail or mainprize ?

Q. Were they bailed after their second commitment ?

Q. Who admitted them to bail after their said second commitment ?

Q. If the Sheriff, did you cause the Sheriff to be prosecuted for so doing ?

Walter Clarke, late Governor of the Collony of Rhode Island.

Q. Did you not severall times within these three or four years last past, in the Collony of Rhode Island and Providence Plantations, sit Judge of a Court, which you called a Court of Admiralty ; and as Judge of a Court of Admiralty hear, try, and determine severall causes ?

Q. By what authority did you hold the said Court ?

Q. Did not Peleg Sanford, Esq'r, in the year 1697, you being then Governor of said Collony, show you a commission to him, the said Sanford, appointing him Judge of the Court of Admiralty within the said Collony ?

Q. Did not the said Sanford demand of you to administer to him an oath in order to qualify him to execute the said office ?

Q. Did you administer to him such an oath ?

Q. Why did you not ?

Peleg Sanford, Esq'r.

Q. Did you not in the year 1697, receive a commission, appointing you Judge of the Court of Admiralty, in the Collony of Rhode Island and Providence Plantations ?

Q. Did you not soon after you received the said commission, show the same to Walter Clarke, then Governor of the said Collony ?

Q. Did you not demand of the said Clarke to administer to you an oath in order to qualify you to execute the said office ?

Q. Did not the said Clarke refuse to administer to you such an oath ?

Q. Did not the said Clarke detain from you the said commission ?

Q. Did you not severall times demand the said commission of him ?

Q. What answer did the said Clarke make upon your demanding of him the said commission ?

Samuell Cranston, Esq'r, present Governor of Rhode Island, &c.

Q. Did you not in the year 1697 and 1698, you being then Governor of the Collony of Rhode Island and Providence Plantations, see a commission to Peleg Sanford, appointing the said Sanford Judge of the Court of Admiralty, in the fore-said Collony ?

Q. Had you not the said Sanford's commission in your custody ?

Q. Did not the said Sanford demand of you to administer to him an oath, in order to qualify him to execute the said office ?

Q. Did you administer to him such an oath ?

Q. Why did you not ?

Peleg Sanford, Esq'r.

Q. Had not Samuell Cranston, Esq'r, in the year 1698, he being then Governor of the Collony of Rhode Island and Providence Plantations, your aforesaid commission in his custody ?

Q. Did you not demand of him to administer to you an oath in order to qualify you to execute your said office of Judge of the Court of Admiralty?

Q. Did not the said Cranston refuse to administer to you any such oath?

Lastly. You shall transmit unto us by one of our Principal Secretaries of State, and to our Commissioners for Trade and Plantations, copies of all papers that shall have been laid before you or the persons appointed by you, relating to the administration of the government of our foresaid Collony, and of the severall informations and proofs that you or they shall have received, upon any matters or things in pursuance of these our foregoing Instructions, together with your Report, of your or their whole proceedings in the execution of what we have hereby and by our fore-mentioned commission required from you.

To the King's Most Excellent Majesty :

May it please your Majesty :—Having lately in obedience to your Majesty's order in Councill, of the 5th of January last, laid before your Majesty, the draught of a commission for the Earl of Bellomont, to empower him to inquire into and examine witnesses for the discovery of the misdemeanors committed in the government of your Majesty's Collony of Rhode Island and Providence Plantations, in America. We herewith humbly lay before your Majesty a draught of such instructions, as we conceive may be also proper for that service.*

Which, nevertheless, we most humbly submit.

TANKERVILLE,
PH. MEADOWS,
WM. BLATHWAYT,
JNO. POLLEXFEN,
ABR. HILL.

Whitehall, March the 9th, 1698-9.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 3d of May, 1699.

Major Samuel Cranston, Governor.

Mr. John Greene, Deputy Governor.

ASSISTANTS.

Mr. Walter Clarke.

Capt'n Robert Carr,

Cap'n James Barker,

Capt'n Richard Arnold,

Mr. Joseph Williams.

Capt'n Joseph Sheffield,

* J. Carter Brown's Manuscripts, No. 42, Vol. III.

ASSISTANTS.

Mr. Giles Slocum,
Mr. Benjamin Barton,
Mr. Joseph Hull,
Capt'n Jeoffrey Champlin.

RECORDER.

Weston Clarke.

SHERIFF.

Thomas Mallett.

GENERAL ATTORNEY.

Mr. John Pocock.

GENERAL TREASURER.

Mr. John Holmes.

MAJOR FOR THE ISLAND.

Henry Tew.

MAJOR FOR THE MAIN.

John Dexter.

DEPUTIES.

Mr. Benedict Arnold,
Mr. Nathaniel Sheffield,
Mr. Isaac Martindale,
Capt'n Jonathan Holmes.
Mr. Jeremiah Clarke,
Mr. John Easton, Jun'r.

For Providence.

Mr. Jonathan Sprague,
Mr. Elisha Arnold,
Mr. John Wilkinson,
Mr. Peleg Rhodes.

For Portsmouth.

Mr. George Brownell,
Mr. Benjamin Hall,
Mr. Isaac Lawton,

Mr. John Ward.

For Warwick.

Mr. Randall Holden.
Mr. Israel Arnold,
Mr. Job Greene,
Mr. Moses Lippitt.

For Westerly.

Capt'n William Champlin,
Mr. Peter Crandall.

For James Towne.

Mr. Nicholas Carr,
Mr. Joseph Mowry.

For Kings Towne.

Mr. George Vaughn,
Mr. Henry Straight.

Whereas, there hath been a great neglect, in not levying the rates, as by the Assembly's Acts, in Kingstown, August the 2d, 1698, and Providence, in October, 1698; and also by a late Act, made at Newport, February 14th, 1698-9; and nothing hath been done to the premises, whereby the Collony is much straightened, which doth prove detrimentall to said Collony, now at this juncture of time, in order to send money for England, to despatch affairs for the welfare of this government, to our Agent, Mr. Jahleel Brenton, Esq'r, as by an Act made this sessions, may more amply appear; and further, considering

that the towns of Kingstown, Westerly and Greenwich, hath wholly neglected the levying of their rates, according to the former Acts, made and provided; their reasons rendered to this present Assembly, is the uncertain bounds of their townships:

Be it therefore enacted by this present Assembly, and [by] the authority thereof it is enacted, That for the ending of all differences and pretences in hindering, levying, and gathering their proportion of the £800 rate, that all and every person formerly residing in either of said townships, who have paid rates, and duties, in said towns since the late resolution, and were under the command of the same, at the assessing the late levy at Kingstown, &c., shall still be deemed to be and remain, under the same town, and shall pay their said rates accordingly, till the difference depending between said towns relating to their bounds, be legally settled and stated, by such persons as shall be commissioned by this Assembly for that end and purpose. And that each of said towns of Kingstown, Westerly, and Greenwich, shall forthwith assess the inhabitants of their said towns, as per the former Acts mentioned doth direct; and that the Assistants, or Justices of each of said respective towns, upon the first sight of this present Act, shall nominate and appoint out of each of their said towns, two able men, to inspect into all the inhabitants' rateable estates, and make return thereof to the Assistants or Justices of their said towns, within six days.

And the Assistants or Justices, upon the receipt of said return, shall forthwith cause the inhabitants of their said town, to choose rate makers to assess said rate; and the money to be brought into the Generall Treasury within one month after the publication of this Act.

And that no ignorance may be pleaded for the future, it is enacted by the authority aforesaid, That the Recorder shall immediately draw forth copies of this Act to the three towns aforesaid, that the authority of said towns may proceed according to said Act.

And be it further enacted by the authority aforesaid, and it is hereby enacted, That there shall be five persons appointed, as Commissioners, to inspect and settle the differences between

Kingstown, Westerly and Greenwich, relating to the bounds of the said towns.

And the said persons nominated and appointed by this Assembly, are Capt'n James Barker, of Newport; Capt'n Richard Arnold, of Providence; Capt'n Joseph Sheffield, of Portsmouth; Mr. Benjamin Smith, of Warwick; Mr. Nicholas Carr, of Jamestown. And that the said five persons shall be commissioned by the Governor, in behalf of the Assembly, under the seal of the Collony, with the full and absolute power and authority to issue and settle all differences and disputes that may arise, concerning the bounds of said towns; and if occasion shall require, to employ one or more surveyors to settle and survey the lines and bounds thereof; and that the said Commissioners shall keep a true and exact register of all their proceeds therein, and make return thereof to the next sitting of this, or any other of his Majesty's Assemblys of this Collony, that record may be made thereof, to prevent future differences and disputes in the like nature.

And it is further enacted by the authority aforesaid, That the charge the said Commissioners shall be at in the aforesaid premises, shall be equally borne by the aforesaid three towns, viz.: Kingstown, Westerly and Greenwich; and this Assembly doth order and appoint the aforesaid Commissioners to meet on the 30th of this instant, at the house of Ensign John Eldridge, in Kingstown. And that they have further power to adjourn to any other town or place; and to any other time, as they or the major part so meeting (who have power to act in as full and ample manner as if the whole number were present), shall appoint.

And it is further enacted by the authority aforesaid, That the Assistants or Justices of the aforesaid towns, shall give notice to the inhabitants, by virtue of this warrant, to bring in their respective claims as to the boundaries of the severall towns, to the aforesaid Commissioners at the time and place aforementioned; and the said Commissioners on seeing all their claims, or hearing their pleas, shall have full power to decide the same as aforesaid.

And it is further enacted by the authority aforesaid, That the aforesaid Commissioners shall, and have hereby further power granted them at the meeting or meetings as aforesaid, to make inspection into the proceeds of said towns, in reference to the aforesaid Act concerning their respective rates. And if the said towns have not in all respects complied with said Act, then the said Commissioners, or the major part of them meeting as aforesaid, shall assess the proportion of each of the respective towns, upon the inhabitants thereof, at their discretions. And also to appoint such persons as they shall think most meet, for the gathering thereof, and return the same into the Generall Treasury with what expedition may be.

And it is further enacted by the authority aforesaid, That the aforesaid towns of Kingstown, Westerly and Greenwich, in case they shall not comply with the aforesaid Act concerning their said rates, that the said Commissioners shall levy and assess on each of the said towns so neglecting, more than the proportion of their said rates.

For Kingstown, £6 5s. For Greenwich, £1 9s.

“ Westerly, - 2 6

The whole being ten pounds. And shall be gathered and delivered into the Generall Treasury, with the rest of the towns' rates, and shall be for the service of the said Commissioners, for their trouble, charge and expenses in said affair; who shall be paid by order from the Governor, out of the Generall Treasury.

And be it further enacted by the authority aforesaid, That those persons, that have been by any of the aforesaid towns chosen to take an account of the estates of the respective inhabitants, and have wholly neglected the same, they having had legal notice thereof, shall be proceeded against, according to the Generall Assembly's Acts in such cases made and provided; and that without any delay. And that the Recorder do also send copies of this Act, to each of the said towns, as is premised in the afore recited Acts, concerning the said rates.

At a Generall Assembly held for his Majesty's Collony of Rhode Island and Providence Plantations, at the Collony House, in the town of Newport, in said Collony, the 3d of May, 1699.

Whereas, it appeareth to this Assembly, by severall letters received by his Honor the Governor, Samuell Cranston, Esq'r, from Mr. Jahleel Brenton, Esq'r, and Mr. Parril, out of England, as likewise by the created differences between this his Majesty's Collony, and the Collony of Connecticutt, there is great necessity of an Agent to appear in the behalf of this, his Majesty's Collony, before his Majesty and Councill, in the realm of England, and this Assembly taking into their serious consideration, the great service performed in England, on the behalf of said Collony, by the aforesaid Mr. Brenton, Esq'r, for disbursing his monies for the interest of this Collony :

Be it enacted by this present Assembly and the authority thereof, and it is hereby enacted, That Mr. Jahleel Brenton, Esq'r, is solely pitched upon to be the Collony's Agent, and what monies are in the Treasurer's hands, or shall come in, shall be forthwith employed, as his Honor the Governor, Samuell Cranston, Esq'r, and Councill, shall think most fit to be sent by the first opportunity, by a bill of exchange. And Mr. Brenton to reimburse himself for what he hath already paid for the Collony's use ; and the remainder of the monies as our said Agent shall seem most meet for the interest of this Collony.

And as to the sum of money that is to be sent, that it shall be left with the Governor and Councill to send what they shall think expedient, not exceeding two hundred pounds sterling in money, of Old England, for the first payment. And the remaining part of the four hundred pounds as by the late Act made by the Generall Assembly, at Kingstown, and Providence shall be employed for the Collony's use, and for no other use, whatsoever. And that our Honored Governor, with the advice of said Councill, shall have full power to grant the said Agent a Commission, with instructions, to act in the Collony's behalf,

to all intents and purposes, for the benefit and interest of the said Collony.

Whereas, the Magistrates, Deputies, and Jury, are put to considerable charge, in passing the ferries, between Newport, Jamestown, and Kingstown, they being upon his Majesty's service, and there being no act or order, of his Majesty's Assembly of the Collony, that those that use the trade of ferrying between the said towns, shall carry the Magistrates, &c., ferry free :

Be it therefore enacted by this Assembly, and the authority thereof, That from and after the adjournment or dissolution of this Assembly, which shall first happen, that all, or any person or persons, following the trade of ferrying, or keeping a boat or boats for that end and use, between said Newport, said Jamestown and Kingstown, and all other ferries in the said Collony, shall carry all Magistrates, Deputies, Jurymen, and all, or any other persons, being upon his Majesty's service relating to this, his Majesty's government, ferriage free.

And if any said ferrymen, or those using the trade or following that employment, shall refuse or neglect to carry any of said persons ferriage free ; and that without any stop or delay, if wind and weather will permit, the said person or persons so refusing or neglecting, shall, upon proof thereof, made before any of his Majesty's Assemblies, be made incapable, and prohibited from using the said trade, or following the said employment for the future. And others, that will be more observant, shall be licensed, and allowed to keep the said ferry upon the aforesaid terms.

[The remainder of the proceedings of this session are wanting.]

Governor Cranston, of Rhode Island to the Board of Trade.

Right Honorable: Your letter bearing date Whitehall, October the 25th, 1698, came to our hands the 5th of April last, as likewise the duplicate of the same, we received the same day ; wherein your Lordships do signify your observation of the long interval between the date of your letter, the 9th of February, 1698-9, and our answer to the same.

May it please your Lordships : We shall not justify ourselves wherein we have been remiss, or negligent in that affair ; and hope your Lordships will not impute any thing of contempt in us for the same ; and we shall for the future endeavor to

be more dilligent and observant in returning your Lordships an answer, and giving an account of the affairs of this government. But we having no shipping that sails directly from this Collony, and many times we are disappointed for want of timely notice from other places, the which has been a great disappointment to us in the performance of our duty to your Lordships.

Your Lordships are also pleased to signify that our letter was principally in vindication of our conduct in relation to piracies and pirates, &c. We hope your Lordships will put that constructions upon our writing, that we do not vindicate ourselves, wherein we have ignorantly erred, or for want of better knowledge and a right method we have gone out of the due form and practice your Lordships have now prescribed for us; and wherein we did or do vindicate ourselves, it is in our innocency, and it's said sins of ignorance ought to be forgiven. And we do humbly beg your Lordships' pardon for the same, hoping for the future to be more circumspect. Your Lordships having been so favorable as to give us directions and instructions, the which we accept as a most bountifull favor from you, and shall with our best endeavors follow the same accordingly.

Your Lordships are also pleased to require a copy of all private commissions which have been granted to any persons from this government, with the bonds, &c. And in obedience to your Lordships' command, we have herewith sent copies of such commissions (if they may properly be so called), they being only defensive, and were granted by the Deputy Governor (contrary to the mind of the then Governor), and he not knowing the due form and method in such cases, took no bonds, concluding as he hath solemnly declared, that they were bound upon a merchandizing voyage; their design being unknown to the authority.

Your Lordships are further pleased to require copies of the tryall of George Cutler and Robert Munday, with all proceedings from first to last, relating to the same; and of all other persons and things in the like case. Likewise a copy of the laws and Acts of this government, all which we have accordingly done. Humbly submitting ourselves to your Lordships' favorable constructions upon any thing that may therein be found amiss; we being wholly ruled and governed by the good and wholesome [laws] of our Mother, the kingdom of England, as far as the constitution of our place will bear; and we doubt not, but your Lordships are sensible that in these remote parts, we cannot in every punctillo follow the niceties of the laws of England; but it will be a great damage to his Majesty's interest in the settling and peopling the country.

We do also acknowledge the receipt of your Lordships' letter bearing date Whitehall, February the 3d, 1698-9, with his Majesty's Instructions, relating to the observation of the Acts of trade, &c.; all which we kindly accept, and shall with the best of our endeavors comply with the same, and we do further acknowledge the receipt of a letter bearing date Whitehall, January the 24th, 1698-9 (the which came to our hands the 24th instant), wherein his Majesty gives us to understand, that severall ships of force have been fitted out of Scotland, with an intent to settle in some parts of America, contrary to his Majesty's knowledge, forbidding of us to hold any correspondence with them, whilst they are engaged in the aforesaid enterprise; commanding us to send your Lordships an account of our proceeds therein. In obedience to which, we forthwith issued out a Proclamation concerning the same, a copy of which, we herewith send you, and it shall be our further endeavor to see it duly executed.

And may it please your Lordships to accept this further information: that on the

beginning of April last, arrived a ship upon our coast, which was by the men that did belong to her, sunk, as they have since confessed. It was a hagboat, of about four hundred tons, belonging to London, bound for the Island of Borneo, in the East India, whereof one Capt'n Gullop was Commander. And at the Island of Polonoys, near the Island of Sumatra, their Commander being on shore with severall others, the boatswain's mate of said ship, one Bradish, with severall others combined, and run away with her, leaving their Commander and severall others, on shore, at said Island of Polonoys.

And for your Lordships' better information, we have herewith sent you the examination of one of the men, now a prisoner in his Majesty's jail in this government, who after the sinking of the said ship, distributed themselves into severall parts of this country, and are all taken and secured in the severall governments, except one, with the greatest part of their money that they brought with them.

We having in our hands to the value of twelve hundred pounds, or thereabouts; all which we shall secure till further orders from your Lordships, we having used all the dilligence we can for discovering what more may be distributed about the country.

We shall always for time to come be very observant in following your Lordships, advice and Instructions, in all cases relating to his Majesty's interest, and once more humbly begging your Lordships' favorable constructions in what of weakness may appear in us. We being a plain and mean sort of people, yet true and loyall subjects to his Most Excellent Majesty, King William, and we hope time will make manifest the same to your Lordships, we being not insensible of the many enemies we have, who hath and do make it their business to render us (to his Majesty and your Lordships), as ridiculous as they can, and to present things to your Lordships quite contrary to what they are or were. For instance, there is one Esquire Randolph, who was employed by the Commissioners of his Majesty's Customs, who did publicly declare he would be a means to eclipse us of our priviledges; and we know he picked up severall false reports against us. But we do not doubt your Lordships will in time have a further insight and knowledge of such men's actions, and we humbly beg of your Lordships, that you will not entertain any reports against us, so as to give any determination on the same, to our ill conveniency till we can have liberty to answer for ourselves; we having commissioned and appointed Jahleel Brenton, Esq'r (his Majesty's late Collector of his Customs in these parts), our Agent to answer to what shall be objected against us, or in any other matter or thing, relating to this his Majesty's Collony, begging your Lordships' favor towards him in what shall appear just and right.

So having not further to offer to your Lordships at present, but humbly submitting ourselves to his Most Excellent Majesty, and your Lordships' favorable constructions of what herein shall appear amiss; wishing his Majesty a long and peaceable reign, and your Lordships health and prosperity under his government.

Your Lordships' most humble servants,

SAMUEL CRANSTON, Governor.

Newport, on Rhode Island, the 27th of May, 1699.

The Board of Trade to the Governor and Company of Rhode Island.

To the Honorable the Governor and Company of his Majesty's Collony of Rhode Island and Providence Plantations, in America.

Gentlemen: We have received your letter of the 27th of May last, with the severall papers therein mentioned, upon which we have yet something to say. For though you have not at this time been so negligent in writing as formerly, yet things themselves are not altogether as they ought to be.

We required from you authentick copies of all the Acts or laws in force in the Collony of Rhode Island and Providence Plantations, by which you should have understood a fair transcript of all the said laws, fastened together by the publick Seal of the Collony, and so attested by the proper officer; but instead thereof, you have sent us some leaves of paper stitched indeed together, but without any Seal, and certified by Weston Clarke, to be a true abstract of your laws; which (whatever is meant by it) in true signification is very different from a true copy.

But admitting this were intended for a copy, and not an abbreviation or abstract only, yet the blots in some places, the blanks in others, the want of sense in some expressions, the want of titles to the different Acts, and the disorderly placing of some of the said Acts (those of later dates before those of former) are such marks of negligence, that we can by no means depend thereupon; and therefore we are again obliged to repeat our former directions that you fail not to send us with all possible dilligence, a perfect copy of all your laws, in authentick form, under the publick Seal.

The forementioned defects in this copy, or abstract (whatever it may be called), have hindered us at present from considering it so exactly as must necessarily be done; but nevertheless having occasionally observed the tenor of one Act without a title, passed, as we suppose, in May, 1684, to be for the repealing of a former Act passed at a Generall Assembly, held in October, 1672, whereby the severall Deputies chosen for the respective towns, were to engage for the faithfull discharge of the trust in them reposed. We thereupon looked back, to observe the contents of the said law thereby repealed, but found not any thing to that purpose, under that date.

Wherefore, we further require you to send us an authentick copy of that law also; and withall, to let us know whether all the members of that Assembly, held in May, 1684, who repealed the foresaid Act of 1672, did themselves engage for the faithfull discharge of their trust, according to the tenor of the said Act, before their entering upon that trust, or acting as members in that Assembly; unto which, we require your direct and positive answer.

We observe what you say upon the subject private commissions granted to Captains of ships, of two of which kind you send us copies. But you do not say, that those are all that have been granted in that Collony during the late war, which was the thing we positively required from you; and therefore we cannot but esteem this a wilfull neglect; and we must tell you, that unless you reform all such shuffling in your correspondence with us, you will unavoidably find it turn no less to your prejudice than the miscarriages themselves, that you would conceal.

However, the things you say, are, that these commissions were only defensive;

that they were granted by the Deputy [Governor] contrary to the mind of the Governor ; and that he not knowing the due form, did omit to take bonds, &c. These answers are so contrary to truth, and to your duty, that we wonder how you could write them. The commissions of which you have sent us copies, give power to take, slay, burn and utterly destroy his Majesty's enemies' vessells, goods, &c. ; and to make prize, &c. Are these only defensive commissions? You know better. But they were granted, you say, by the Deputy [Governor], contrary to the mind of the Governor ; and it was his ignorance that made him omit to take bonds. If it were really so, you ought to have taken better care, that such an ignorant person had not been put in such an office.

But however, it is evident, that he has highly transgressed, not only in omitting to take bonds, but in granting any commission whatsoever, contrary to the Governor's mind, whilst he was in the Collony ; yet these are the commissions, which in your former letter you call lawfull, and upon the legality of which you would vindicate your proceedings. But in short, whilst you thus endeavor to excuse and not punish an officer guilty of such notorious misdemeanors, we leave it to you to judge where the fault must necessarily be laid, and what may be consequence thereof.

We might observe many things upon the copy that you have sent us of the trialls of Cornish, Cutler, Munday and others for piracy, the success of all which is according to what we expected from a people so partiall in things of that kind. But it is needless to enter into argument upon any more particulars ; we rather choose to exhort you to a thorough reformation of all the abuses that are too notorious amongst you, and to conclude in assuring you that unless such a reformation be sincerely set about, and both speedily and very effectually prosecuted, you will inevitably fall into such inconveniencies as will make you sensible of your miscarriages, when perhaps it may be too late. So we bid you heartily farewell.*

Your loving friends,
PH. MEADOWS,
JNO. POLLEXFEN,
JOHN LOCKE,
ABR. HILL.

Whitehall, August the 11th, 1699.

* J. Carter Brown's Manuscripts, Vol. III. Nos. 44, 45.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Warwick, 25th of October, 1699.

Major Samuel Cranston, Governor.

Weston Clarke, Recorder.

There being an Act of this Assembly for the levying a rate of six hundred pounds, for the sending an Agent for England, being already published under the Seal, and copies sent to each town, shall here omit.

Whereas, his Excellency, Richard, Earl of Bellomont, at a Generall Councill, sitting at Newport, the 20th of September, 1699, by virtue of his instructions from the Lord Commissioners from England, did require of this government the entire and full body of laws of the Collony, with journals of the Assembly's Acts, and minutes of the Councill, and the Honored Governor having given his Excellency an account that he would lay his demands before the Assembly at their next sitting at Warwick, the 25th of October, 1699, and the said Assembly upon mature consideration of the above request, being not fully satisfied with the transcription of the last Committee appointed for the transcription of the aforesaid laws, acts, &c.:

Be it therefore enacted by and with the advice and consent of the Governor, Assistants and Representatives in this present Assembly convened, and the authority of the same, That Mr. Joseph Williams, Mr. Joseph Sheffield, Mr. Weston Clarke, Major Henry Tew, Mr. Isaac Martindale, Lieut. Nathaniell Sheffield, Mr. Richard Greene, or the major part of them assembled, have full power by virtue of this Act, to inspect into the transcription of all and every the before premised laws and acts of Assembly, and to make returns to the next adjournment of this Assembly to Newport, the 21st of November, 1699, in

order to the full performance of his Excellency, the Earl of Bellomont's, request to us signified.

And it is enacted, That the aforesaid persons that are so appointed, for the inspection of said laws and acts, &c., shall be paid three shillings per day, during the time they are so employed.

Whereas, Samuell Mason, Assistant of the Collony of Connecticut, by a letter under his hand, bearing date the 28th of October, 1699, directed to Capt'n William Champlin, doth request the said Champlin to inform this government that there is a Committee appointed by the Collony of Connecticut, to treat with a Committee of this his Majesty's Collony, to see if an agreement between the said Collonies may be obtained.

Be it therefore enacted by and with the advice and consent of the Governor and Assistants and Representatives in this present Assembly convened, and the authority of the same, That Mr. Thomas Olney, Major Henry Tew, Mr. Richard Arnold, Mr. Isaac Martindale, Capt'n William Champlin, Mr. Benjamin Barton, or the major part of them, shall have full power to determine, agree and conclude of the boundaries and difference of boundaries between the aforesaid Collonies of Connecticut and Rhode Island Collony.

And be it further enacted by the authority aforesaid, That the Honorable Samuell Cranston, Esq'r, Governor of this Collony, shall have, by virtue of this Act, full power and authority to grant and give an ample commission to the aforementioned persons, under the Seal of this Collony, fully to determine all differences of boundaries forever between the aforesaid Collony of Connecticut and the Collony of Rhode Island, &c.; and said Committee is appointed to meet at the house of Lieut. John Eldridge, in the Narragansett country, on the 8th of November, 1699; and that the charge of said Committee be paid by the Generall Treasury.

Voted, That both Houses be resolved into a Committee, for the choice of an Agent or Agents, to go for the Kingdom of England, for the maintaining of the liberties granted in our Charter.

Mr. Walter Clarke nominated and chosen an Agent, and positively refused.

Mr. Thomas Olney nominated and chosen, positively refused.

Mr. Isaac Martindale nominated and chosen, desired consideration till the next sitting of this Assembly.

Voted, This Assembly be adjourned to Newport, to the 21st of November, 1699.

Correspondence between the Commissioners of Rhode Island and Connecticut, at John Eldridge's, November 9th, 1699.

Gentlemen : Mr. Thomas Olney, Major Tew, Cap't Arnold, Mr. Barton, Mr. Martindale, and Capt'n William Champlin.

You proposed to us for agreement, to run the line between the Collony of Connecticut and Rhode Island ; that Pawcatuck River should be the dividing line as far as Pawcatuck River runs north, and then to run a north line to the Massachusetts south line, only you will allow six miles east of Quannepague River, if the north line comprehend any part of Quannepague purchase, which you allow is according to the agreement between the Governor, John Winthrop, and Mr. John Clarke. Yet you deny to give them under your hands. Whereupon we write, that we may be under no mistake, in a report to our masters.

To which we reply, that the ground or foundation of your Charter, is an agreement with said Governor John Winthrop, and Mr. John Clarke—which is :

1st. That Pawcatuck River shall be the eastern boundary, up Meantonmie's north line ; therefore, Pawcatuck River, the great stream, is to be the bounds so far as that River runs.

2d. Provision is to be made if any part of Quannepague purchase fall in your Charter.

3d. That the proprietors and inhabitants about Mr. Smith's house claimed and purchased by Major Atherton, Capt'n Hutchinson, Lieut. Hudson, &c., have full liberty unto which of the Collonies they will belong.

4. That property shall not be altered, or destroyed, as is more fully declared in said agreement—which articles of agreement, if you will give under your hands to fulfill, we are readily disposed to an amicable agreement.

SAMUEL MASON,
DANIEL MITCHELL,
JAMES NOYES.

Mr. John Eldridge's, Nov. 9th, 1699.

Answer.

Gentlemen : Capt'n Mason and Cap'n Wetherell, and Mr. James Noyes.

Whereas, we, the Commissioners of the Collony of Rhode Island and Providence Plantations and you, were from each of our Collonies commissioned to agitate, agree and determine where the bounds between our said Collonies should run and

be ; and in order thereunto, we the Commissioners of the Collony of Rhode Island &c., have made you propositions—but the returns which they bear from you is, that there is an agreement with Governor John Winthrop and Mr. John Clarke, as concerning proprieties and properties to be maintained, and now to be altered, &c., which articles of agreement, if we will give under our hands to fulfill, you are readily disposed to an amicable agreement.

We answer, what we are commissioned to do, we are willing to apply ourselves unto ; and that is, to treat and endeavor an agreement of a line between our Collonies ; and neither yourselves nor we, have any commission otherwise to do. And therefore for us to concern ourselves in matters which we have no commission for, will be no ways effectual, nor is that our business. And you have made no proposition as yet to us, where the said line shall be, but only say, “when we have given under our hands to fulfill the said articles,” you are readily disposed to an amicable agreement. Which saying of yours, doth import, that unless we so do, you do not incline to an agreement. And seeing that so your minds are, you might have saved the trouble of this meeting.*

THOMAS OLNEY,
RICHARD ARNOLD,
HENRY TEW,
BENJAMIN BARTON,
WILLIAM CHAMPLIN,
ISAAC MARTINDALE.

At Mr. John Eldridge's, November 9th, 1699.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, November the 21st, 1699.

Major Samuel Cranston, Governor.
Weston Clarke, Recorder.

The Assembly called, and both Houses full.

Mr. Isaac Martindale being desired to give his positive answer whether he would accept the office of an Agent, by a writing under his hand, positively refused.

Mr. Weston Clarke chosen an Agent by both Houses, and refused.

* Newport Mercury, October 3 and 10, 1857.

Capt'n Joseph Sheffield chosen an Agent by both Houses ; and Major Henry Tew also chosen an Agent and refused.

Whereas, the Lords Commissioners of Trade and Plantations did require a copy of the laws and Acts of this his Majesty's Collony of Rhode Island and Providence Plantations ; and in obedience to their Lordships' commands, a Committee was appointed to transcribe said laws and Acts, a copy of which was sent to their Lordships ; and since which his Excellency, the Earl of Bellomont, by virtue of his commissions and instructions under the great Seal of England, has also required a copy of the laws and Acts of said Collony.

In pursuance of which, it was enacted by the Governor, Councill and Representatives sitting in Generall Assembly, at Warwick, October 25th, 1699, they being doubtfull whether there was a true transcript made by the Committee, which transcribed the drafts already sent to their Lordships, that there should be another Committee appointed ; and was accordingly appointed to make inspection and dilligent search into all the books and records of said Collony, whether there was any laws omitted which might be proper to be added to the first transcript ; and also what laws there were that might be proper to be repealed.

In order thereunto, the said Committee having made inspection according to the afore recited Act, and made return unto this Assembly, sitting by adjournment from Warwick, aforesaid, to Newport, this 21st of November, 1699, with a true list of all Acts needfull to be continued, &c. :

It is enacted by this present Assembly and the authority thereof, it is hereby enacted, That all Acts by the Committee returned, suitable to be continued, as is mentioned in their list, reference thereunto being had in the Recorder's office, are hereby continued and confirmed, with all the Acts in the first transcript ; a copy of which was sent to their Lordships, as abovesaid, are to be continued, confirmed and be observed, and shall be deemed to be the whole body of laws to be observed in this his Majesty's Collony, aforesaid ; and all other laws and Acts of said Collony, except such as are made, touching titles

of land to be from henceforth repealed ; and more particularly those Acts mentioned in a list returned by said Committee, to be repealed, made null and void, and of no effect ; any law or Act, clause or clauses, to the contrary in any wise notwithstanding.

And it is further enacted by the authority aforesaid, That the Governor, with one Assistant, shall have hereby full power and authority to add and transcribe the abovesaid additions to the former part of said laws, and send them to the Lord Belmont, in answer to his demand ; and for his charge herein, to be paid out of the Generall Treasury.

For the more effectual proceeding in managing the affairs of this his Majesty's Collony of Rhode Island, &c., in providing and sending an Agent or Agents for England, in order to maintain the just rights and privileges of this Collony, according to the Charter, with respect to the created difference between this his Majesty's Collony of Rhode Island, &c., and the Collony of Connecticut, concerning boundaries, &c. ; as likewise to appear before his Majesty and Councill, in the realm of England, to answer to such complaints, as have or shall be made against this Collony, or before any other his Majesty's officers, before whom said Agent or Agents may be lawfully called to answer, or maintain the abovesaid premises :

It is enacted by this present Assembly and the authority thereof, That whereas Mr. Walter Clarke, Mr. Thomas Olney, Mr. Isaac Martindale, Mr. Weston Clarke, Capt'n Joseph Sheffield, and Major Henry Tew, were nominated for Agents, in order that one or two of them should be the persons made choice of, for the end above premised :

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, For the more speedy and authentick proceeding in said affair, we do hereby nominate, choose, constitute and appoint the persons hereafter named, them or the major part them, to be a Committee for the full ordering and managing of said affair ; who are hereby empowered and authorized, they or the major part of them, to make choice of one or two of the abovesaid persons as an Agent or Agents to pro-

ceed, as aforesaid. Likewise, to search and transcribe all such writings and records as to them shall seem needfull, to deliver to said Agent or Agents, in order to the premises; and to draw up such instructions and commissions to said Agent or Agents, as may be most for the honor and benefit of the Collony.

Further, we do hereby choose, nominate and appoint the Honorable Governor, Samuell Cranston, Esq'r, Capt'n Robert Carr, James Barker, Mr. Giles Slocum, Assistant, Mr. John Borden, Mr. Ebenezer Slocum, Mr. Nathaniell Waterman, and Mr. Richard Greene, them, or the major part of them, to be the Committee afore premised, to act and do in all respects, and to all intents and purposes in as full and ample manner as if the whole Assembly were present in being.

And be it further enacted by the authority aforesaid, That the time for the first meeting of said Committee shall be on the 6th day of December next ensuing, and in the town of Newport, at the Collony House; and to adjourn from place to place and time to time, in order to the finishing the premises, as to them shall seem needfull.

Voted in this Assembly, That Capt'n Arthur Fenner be paid the twenty pounds that was due to William Harris, out of the remaining part of the eight hundred pound rate, or out of the next rate made in this Collony, after the six hundred pounds for the Agent, by the Treasurer.

Voted, Whereas there has been a presentation made to this Assembly by Duncan Campbell, Generall Postmaster in New England, that there is not such highways in this Collony laid out, suitable for posts to pass, as his Majesty's subjects ought to have on such expeditions, and others that have occasion to travell, &c.:

It is enacted by this present Assembly, and the authority thereof, and it is hereby enacted, That the Town Councill of each town in this Collony, appoint a jury of twelve able men, knowing in such affairs, in each town, to inspect into and lay out where there is not yet laid out sufficient high ways, that may answer the ends premised, and make return of their pro-

ceeds to the respective Councils, that they may present the same to the Generall Assembly to be confirmed, that the petition may be answered, and his Majesty's subjects in generall accommodated, &c.

The Assembly adjourned to the 14th day of February, without extraordinary occasion to call it sooner.

Report of the Earl of Bellomont, on the irregularities of Rhode Island.

Boston, November the 27th, 1699.

My Lords: In obedience to his Majesty's commands, contained in his Royall commission and instructions, authorizing and requiring me to inquire and take the examination of persons and witnesses relating to the disorders and irregularities countenanced and practised by the government of the English Collony of Rhode Island and Providence Plantations in New England, in America.

In the month of September, in this present year 1699, I repaired unto the said Collony, and have made inquiry and examined into the disorders, irregularities and mal-administrations committed and practised by and within the said government. And in further pursuance of his Majesty's commands, crave leave to observe unto your Lordships wherein (as I apprehend) the government of the said Collony have deviated from, and gone contrary to the rules prescribed by their Charter of incorporation, and the powers and authorities which they have usurped and exercised, beyond the powers therein conferred upon them.

§1. They seem wholly to have neglected the Royall intention, and their own professed declaration recited in the Letters Patents of their incorporation, "of Godly edifying themselves and one another in the holy Christian faith and worship, and for the gaining over and conversion of the poor ignorant Indian natives to the sincere profession and observance of the same faith and worship." Upon which grounds, they were granted to have and enjoy their judgments and conscience in matters of religious concerments, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness. In that they have never erected nor encouraged any schools of learning, or had the means of instruction by a learned orthodox ministry. The government being elective, has been kept in the hands of such who have strenuously opposed the same; and the generality of the people are shamefully ignorant, and all manner of licentiousness and profaneness does greatly abound, and is indulged within that government.

§2. They have not kept, nor do they use their name and style of incorporation, omitting therein the word "English," and the words "in America," they being incorporated by the name of the Governor and Company, of the English Collony of Rhode Island and Providence Plantations, in New England, in America.

§3. Their Charter requires a meeting of the Generall Assembly twice in every year, viz.: on every first Wednesday in May, and on every last Wednesday in October, or oftener, in case it shall be requisite. Oft times they hold but one Assembly in the year, and that for Elections, in the month of May, which is called and convened upon Tuesday [and] dissolved again the same day. And yet meet again on Wednesday, the day following, consisting of the same members, without any new

writ or summons, proceed in making of Elections of Generall Officers, and transact all business proper to a Generall Assembly.

§4. Their Generall Assembly is constituted of the Governor, Assistants, and Deputies, or Representatives for the severall towns; the sole power of calling them is vested in the Governor. And yet, according to their practice, it is in their pleasure whether the Governor shall preside, or be Moderator therein or not; which is tried by a vote. And it sometimes luckily falls on his side.

§5. Their Election of Generall Officers is partly made by proxies, and allowed of by an Act of the government, contrary to the rules of their Charter in that respect; which prescribes that the Elections be made by such greater part of the Company as shall be present at the Generall Assembly.

§6. Their military commissioned officers are elected by the soldiers of the severall Companys. Their Charter directs that such officers be appointed by the Generall Assembly, or by the Governor and Assistants, in cases of exigence.

§7. In the year 1697, Walter Clarke, Esq'r, then Governor, made out a writ, directed to the Sheriff or his Deputy, requiring him to issue forth warrants to the Assistants and Justices of the severall towns, that they meet and assemble to choose Representatives to serve in Generall Assembly. The Charter directs that the free-men be represented by persons of their own choosing in the severall towns. And yet some chosen by the Town Councill (so called), consisting of some few particular men, have been admitted of the Assembly.

§8. In the same year, 1697, the aforementioned Walter Clarke, Esq'r, in the Generall Assembly then sitting, did in the morning actually resign his place or office of Governor; when afterwerds finding that there wanted one to make up a quorum of the House of Magistrates, resumed his place of Governor, sat and acted as such all that day, and adjourned the Court at night.

§9. In May, Anno 1699, a Generall Assembly was held and kept, no writ for calling or convening the same, ever coming to the hand of the Sheriff or his Deputy.

§10. An Act or Order was published under the publick Seal of the Collony, as an Act of the General Assembly, in the year 1696, which was not laid before nor put in the House of Deputies or Representatives.

§11. The Generall Assembly assume a judicial power of hearing, trying, and determining of civil causes, removing them out of the ordinary Courts of Justice and way of tryall, according to the course of the common law, alter and reverse verdicts and judgments. The Charter committing no judiciaall power and authority unto them; neither are the Deputies or Representatives, which are the most numerous part of the Generall Assembly, under any oath or engagement, which was formerly required by an Act made in October, Anno 1672, but afterwards altered and repealed by an Act passed in October, Anno 1677.

§12. They raise and levy taxes and assessments upon the people, there being no express authority in the Charter for so doing.

§13. They hear, try and judge capital offenders, and punish such with death. The Charter giving them no express authority to judge of such cases, but limits their power of punishing offenders according to the course of corporations in England.

§14. They usurp and exercise an Admiralty power and jurisdiction, without having any such power contained in their Charter, only established by an act of their own making.

§15. Their Courts of Justice are held by the Governor and Assistants, who sit as

judges therein, more for the constituting of the Court, than for searching out the right of the causes coming before them, or delivering their opinion in points of law (whereof it's said they know very little). They give no directions to the jury, nor sum up the evidences to them, pointing unto the issue which they are to try. Their proceedings are very immethodical, no ways agreeable to the course and practice of the Courts in England, and many times very arbitrary, and contrary to the laws of the place; as is affirmed by the attornies at law, that have sometimes practised in their Courts.

§16. Their Generall Attorney is a poor illiterate mechanick, very ignorant, on whom they rely for his opinion and knowledge of the law; and allow of judgments against criminal offenders, drawn in his own name, viz.: I, John Pocock, do indict, &c.

§17. The Assistants, or Councillors, who are also Justices of the Peace, and Judges of their Courts, are generally Quakers, and sectaries, elected by the prevailing factions among them; illiterate, and of little or no capacity, severall of them not able to write their names, or at least so as to be read, unqualified to exercise their respective offices, not having taken the oaths or subscribed the test and Association appointed by Act of Parliament. John Greene, a brutish man, of very corrupt or no principles in religion, and generally known so to be by the people, is notwithstanding from year to year anew elected and continued in the place of Deputy Governor, and second Magistrate in the Collony; whilst severall gentlemen most sufficient for estate, best capacitated and disposed for his Majesty's service, are neglected and no ways employed in any office or place in the government, but on the contrary maligned for their good affection to his Majesty's service.

§18. The aforesaid Deputy Governor Greene, during the time of the late war, granted severall sea commissions under the publick Seal of the Collony unto private men of war (otherwise pirates), expressly contrary to the will of the Governor, then in the actual exercise of the government; and notwithstanding his forbidding the same, took no security of the persons to whom the same were granted, nor could he tell by the contents of them, who was to execute the same, being directed in an un-usuall manner to the Captain, his assignee or assignees; and otherwise full of tautologies, and nonsense. And all the vessels whereof the Commanders were so commissioned went to Madagascar and the seas of India, and were employed to commit piracy. The said Greene is likewise complained of for exercising divers other exorbitant and arbitrary acts of power, under color of his office.

§19. The government is notoriously faulty in countenancing and harboring of pirates, who have openly brought in and disposed of their effects there; whereby the place has been greatly enriched. And not only plain breaches of the Acts of Trade and Navigation have been connived at, but also manifest and known piracies, and all that has been done by them on pretence of seizing and taking up of known pirates, has been so slender, weak and not pursued to effect, as plainly demonstrates it was more in show, than out of any hearty zeal or desire to suppress and bring such notorious criminalls to Justice, and their care has been so little therein, that when they had some of the greatest of those villains in their power, they have suffered them to escape.

§20. The Goveraor, Assistants, Judges, Justices, Juries and Witnesses, that pass upon persons for life and death, and the whole people are laid under no obligation of an oath (or declaration prescribed by Act of Parliament, to be taken by such as scruple to swear), either for their allegiance to the King, or for performing the

duties of their respective offices and places, or to speak the truth in giving of evidence, but only take an engagement (so called) of their own framing, making no mention of God therein or appeal unto him as witness of the truth of what they either promise or testify, subjecting themselves unto the peril and penalty of perjury, only.

§21. I am informed there are no Journals or Books of Entry, kept of their Orders or Acts passed in Council.

§22. Divers of their Acts and laws passed in the Generall Assembly, are not made and digested into any proper form or method, only framed by way of vote, and kept in loose scripts of paper, not entered in any rolls or books; and oft times not to be found when inquiry is made for them at the office, that the people are at loss to know what is law among them.

§23. I cannot obtain from them either the Journals of the Generall Assembly, or the laws now in force, although I have made repeated demands for authentick copies thereof, agreeable to his Majesty's Instructions, as well when I was in person within that government, as since by letters and by the gentlemen whom I left in commission upon the place, to pursue that matter, the Governor himself acknowledging that the laws which they lately transmitted unto your Lordships are but part of what are in force among them.

§24. Many of his Majesty's good subjects inhabiting within the said Collony and such as are best knowing in the laws of England, do grievously complain of oppression by the mal-administration and illegal proceedings of those in the government.

§25. They are willfully negligent and refuse to comply with or obey the King's commandments sent unto them; particularly, they are complained of by Mr. Brinley and Nathaniell Waterman, for not observing the King's orders, relating to some trialls, had within the Courts within that Collony, wherein they were concerned.

Governor Cranston's speech made unto the Generall Assembly, called upon the notice I gave him of his Majesty's commands unto myself, relating to that government (which is approved and applauded among them), gives some taste of the temper and disposition of the people, and discovers how they stand affected to the laws of England, and his Majesty's government; basely insinuating it to be little better than bondage and slavery.

I apprehend his Majesty is neither honored nor served by that government, as at present it is managed.

All which is humbly submitted by your Lordships' most humble and obedient servant.
BELLOMONT.

Lord Bellomont's Journal, etc.

September, 1699.

Journal of my proceedings in the execution of his Majesty's Royall Commission and Instructions, authorizing and requiring me to inquire into and take the examinations of persons and witnesses upon oath, relating to the disorders and irregularities countenanced and practised by the government of the Collony of Rhode Island and Providence Plantations, in New England, in America.

Monday, 18th. About one of the clock, post meridian, I set out from Boston,

towards Rhode Island, being accompanied by severall gentlemen of the Councill, and others, and lodged that night at Billings' Inn, twenty-three miles from Boston.

Tuesday, 19th. I travelled from Billings' Inn, to Bristol, which is thirty-seven miles, and there lodged that night.

Wednesday, 20th. About eight of the clock, this morning, I left Bristol, and ferried over to Portsmouth, in Rhode Island, where I was received by Governor Cranston, and the Assistants, of the said Collony, accompanied with a small troop of horse, and severall of the inhabitants, who conducted me to Newport, the chief town in the said Island, where I arrived at half an hour after one of the clock, post meridian; and desired Governor Cranston that he would appoint a meeting of the Councill, to whom I might communicate his Majesty's said Commission and Instructions.

About three of the clock, post meridian, Walter Clarke and Joseph Sheffield, Esq'rs, two of the Assistants, came and acquainted me that the Councill were met at Governor Cranston's house. I went with them, in company of severall of the gentlemen that came with me from Boston, and found the Councill sitting at the said Governor's house.

Present, Samuell Cranston, Esq'r, Governor.

" John Greene, Esq'r, Deputy Governor.

" Walter Clarke, James Barker, Robert Carr, Giles Slocum, Joseph Sheffield, Joseph Hull, Assistants.

I proposed that the gentlemen that came with me from Boston, and those of the place, might be present at the publication of his Majesty's Commission. Whereupon, Mr. Walter Clarke objected, saying that the Councill represented the King, and should be private in their business; but if the Governor and Councill gave leave, he should say no further.

I replied, this was no business of [the] Councill, or privacy.

Governor Cranston declared it should be as I proposed; and no further objection being made, the gentlemen were admitted. And I directed Mr. Secretary Addington (whom I brought from Boston with me, to assist me in this service) to read his Majesty's Commission, which was accordingly done. After publication whereof, Governor Cranston requested they might have a copy thereof; which I granted, and ordered a copy to be drawn for them. And further acquainted them, that by his Majesty's Instructions I was ordered to require of them authentick copies of their Charter, of all the Acts, and laws now in force within the Collony; of a journal of all the Acts, and Orders of the Councill and Assembly, since his present Majesty's accession to the Throne; and that I would communicate to them his Majesty's further Instructions at their next meeting; which Governor Cranston appointed to be to-morrow, at nine of the clock, in the morning.

About four o'clock, this afternoon, I sent an attested copy of his Majesty's Commission by Mr. Secretary Addington and Mr. Newton, to Governor Cranston.

Thursday, 21st. At nine, this morning, Mr. Carr and Mr. Barker, two of the Assistants, came to my lodgings and acquainted me that the Councill were sitting at the Governors's house, according to appointment. I then, with the Boston gentlemen, and severall others of the place, went to Governor Cranston's house, where finding the Councill met, I ordered his Majesty's Instructions, for my inquiry and examination into the disorders, irregularities and mal-administration of that government, to be read before them; which was accordingly done. And I delivered in with my own hand a memorial to the Governor and Councill, signed by me, containing the principall heads of his Majesty's said Instructions. Then I proceeded to

take the examination of Mr. Walter Clarke, late Governor of the said Collony of Rhode Island, &c. ; John Greene, Esq'r, present Deputy Governor ; John Easton, Esq'r, late Governor ; Samuel Cranston, Esq'r, present Governor ; and Peleg Sanford, Esq'r ; who were severally interrogated upon oath, to the severall queries inserted in his Majesty's said Instructions for them respectively, to make answer unto. The said Walter Clarke, refusing to take an oath, or solemn promise before God, in form ; only saying that he always spake as in the fear and presence of God.

Friday, 22d September. I met Governor Cranston and the Councill, at the said Governor's house, and reminded them of the import of my memorial, which I delivered them yesterday ; and what I had therein demanded of them on his Majesty's behalf, viz. : a copy of their Charter, a copy of their Laws now in force, copies of the Journals of their Councill and Assembly, telling them I expected they should be hastened. Governor Cranston answered they should be prepared out of hand.

I also inquired of them concerning their harboring of one James Gillam, a notorious pirate, who came from Madagascar to Rhode Island, with Capt'n Kidd.

Governor Cranston answered, that the said Gillam was for some time upon the Island, and that he heard he came passenger with Capt. Kidd, from Madagascar ; but he had no complaint brought against him, nor heard any thing further of him ; and that he was entertained at the house of Robert Gardiner, Deputy Collector, within the said Collony, under Mr. Jahleel Brenton.

The said Robert Gardiner being sent for, he delivered me a narrative in writing, under his hand, concerning the said Gillam.

I further inquired of the said Governor and Councill, concerning the legality of their qualifications for the execution of their respective offices ; whether they had taken the oaths appointed by Act of Parliament to be taken, instead of the oaths of allegiance and supremacy, and subscribed the test and Association, Governor Cranston producing the Statute Book wherein the Act is.

They answered, they had not taken the said oaths nor subscribed the test, they not being in use among them, had only taken the engagement established by Act of the Generall Assembly of the Collony, wherein they promise allegiance to the King ; their Charter empowering them to establish forms of oaths and attestations. And that one or two of them had signed the Association, and produced a copy thereof, whereto severall names were subscribed, and Governor Cranston's for one. Many of the names were written by one hand ; and among others, Walter Clarke's ; and he being particularly inquired of, whether he had signed the Association, he replied he could not tell. But if his name were there, no doubt but he had.

The Governor likewise said he had taken the oath for observation of the Acts of Trade and Navigation. Severall of the Assistants acknowledged they had not signed the Association.

I also asked Governor Cranston, whether he had the King's approbation for being Governor of the said Collony, pursuant to a clause in the Act of Parliament for preventing frauds and regulating abuses in the Plantation Trade, made in the seventh and eighth years of his present Majesty's reign. The said Governor Cranston answered, no otherwise than by virtue of their Charter.

I further inquired of Governor Cranston about the Constitution of their militia, with relation to the appointment of officers, &c. He answered, their military officers were chosen by the people, but commissioned by the Governor ; that their militia consisted of twelve foot companies within the Collony, viz. : in Rhode Island, three ; in Warwick, one ; in Providence, two ; in Kingstown, two ; in Jamestown, one ;

in Greenwich, one ; and in Shoreham, one ; divided into regiments, under two Majors, viz. : Major Hopkins, present Major of the Main, and Major Tew, of the Island.

This day, arrived at Rhode Island, Fitz John Winthrop, Esq'r, Governor of his Majesty's Collony of Connecticut ; and that upon signification from me, of an order to me directed, by the Right Honorable the Lords Commissioners of the Councill of Trade and Plantations, in their Lordships' letter, bearing date the 26th day of Aug., 1697, whereby they direct me to try to dispose the governments of Connecticut and Rhode Island to come to an amicable accommodation about the government and boundaries of the Narragansett country.

Accordingly understanding both from Governor Winthrop and Governor Cranston, that they were prepared with Commissioners on both sides, to manage the matters in controversy, as I had advised them before-hand, by letter, from Boston, I got the said Governors to agree to let me hear what the Commissioners on both sides had to say to-morrow, at nine o'clock, in the morning.

Saturday, 23d September. At the Town House, in Newport. Present (besides myself) :

Governor Winthrop, Governor Cranston and Councill, with severall gentlemen of Boston, and a good number of the inhabitants of the Island.

I produced the forementioned letter from the Right Honorable the Lords Commissioners of Trade and Plantations, which was read.

John Mason, Esq'r, Mr. James Noyes, and Mr. Gurden Saltonstall, appeared as Commissioners from the government of Connecticut, and tendered their commission, which was read.

An Act of the Generall Assembly of the Collony of Rhode Island, was produced and read, empowering the Governor and Councill of the said Collony to nominate and appoint Commissioners for that Collony, to treat with the Commissioners of Connecticut, about the boundaries of the Narragansett country, and their claim to the said country. And Governor Cranston declared that he and the Councill had nominated Walter Clarke, Joseph Sheffield, Thomas Olney, and Weston Clarke, Esq'rs, to be their Commissioners, for the purpose aforesaid.

The Commissioners for Connecticut produced an attested copy of their Charter, from King Charles the 2d, dated the 23d of April, in the fourteenth year of his reign, granted to the Governor and Company of Connecticut, and the paragraph therein relating to their boundaries, was read.

The Commissioners for Rhode Island produced an attested copy of their Charter from King Charles the 2d, dated the 8th of July, in the fifteenth year of his reign, granted to the Governor and Company of Rhode Island, &c., and the paragraph therein relating to their boundaries, was read.

The said Commissioners for Rhode Island also produced an Instrument, dated the 7th of April, 1663, of a reference made and consented to by Mr. John Winthrop, as then Agent for Connecticut Collony, on the one part, and Mr. John Clarke, as then Agent for Rhode Island Collony, of the other part ; for the taking out of Patents for the said respective Collonies, of a dispute about the dubiousness of the expressions in the bounding of Connecticut Collony, to severall gentlemen named in the said Instrument, and the proposalls made by the said Referees for an accommodation, consented and submitted to by the said Mr. John Winthrop, under his hand and seal ; which Instrument was read, and I required a copy thereof.

The said Commissioners for Rhode Island further alledge that Pawcatuck River, called also Narragansett River, in his Majesty's Charter for their government and

Collony, falls into Narragansett Bay, on the south-west part, and that there never was any fresh river before called Narragansett River, in those parts, that they know of. They further alledge that the inhabitants of Narragansett, have submitted to the government of Rhode Island Collony, and have taken the oath of allegiance to his Majesty, and of fidelity to that government, and produced their records of the years 1671 and 1679, for the same.

The Connecticut Commissioners alledge that the River commonly called and known by the name of Blackston's River, was anciently called Narragansett River, and was the western bound of the late Collony of New Plymouth; and that the agreement produced by the Commissioners for Rhode Island, and said to be made between Mr. Winthrop and Mr. Clarke, as Agents for the respective Collonies of Connecticut and Rhode Island, could not any way invalidate his late Majesty's grant to the Corporation of Connecticut, which bears date before that agreement; nor had the said Mr. Winthrop any power to make such concession or agreement, They say, moreover, that Narragansett Bay lies from Point Judith, eastward to Seconet Point; and that the inhabitants of Narragansett, some days before the date of the Rhode Island Charter, made choice of being under the government of Connecticut, and produced a paper, dated the 3d of July, 1663, with the names of severall of the proprietors and inhabitants of Narragansett subscribed thereto, declaring the same.

After much time spent in hearing the pleas and allegations of both parties, and there being no prospect of an agreement, I read to them the clause in the forementioned letter of the Lords of the Councill of Trade, directing me, (as is before recited) to try to dispose the said governments of Connecticut and Rhode Island to an amicable composure and agreement between themselves; but in case either side should remain averse to such an agreement, &c., that then I should make the exactest inquiry I possibly could into the true state of the case, and give their Lordships an account thereof; and thereupon require them both to send Agents the next Spring, in order to finall determination of this controversy, upon a full hearing of both parties. I exhorted both parties to meet together, and agree between themselves the matters in difference, and allowed them time to consider thereof, untill Monday following.

Monday, the 25th September. I directed the Commissioners of the respective Collonies of Connecticut and Rhode Island to prepare and give me a state[ment] of their severall claims to the Narragansett country, in writing.

The said Commissioners met together (as I had advised), to endeavor an accommodation between themselves; but not coming to any agreement, they respectively applied themselves to prepare a state[ment] of their claims.

Tuesday, 26th September. The Commissioners for Connecticut delivered me the state[ment] of their claim to the Narragansett country, in writing.

Jirch Bull, late Sheriff of the Collony of Rhode Island, Capt'n Andrew Willet, and Capt'n John Fones, delivered me their severall affidavits, relating to the mal-administration of the government, and were sworn to the same.

Post Meridian. I went in company of severall gentlemen, to Governor Cranston's house, where the said Governor and Councill were sitting, and sent for Robert Gardiner, Deputy Collector, and interrogated him upon his oath to severall queries relating to his office, and privateers and pirates.

I also examined Capt'n Thomas Pain (formerly a pirate) upon his oath, relating to goods or treasure, imported by Capt'n William Kidd, and reported to be left by Kidd with the said Pain.

I acquainted Governor Cranston and the Council that I had received a petition from Capt'n Samuell Gallop, Sheriff of the county of Bristoll, in the Province of the Massachusetts Bay, complaining that one Daniel Wilcocks, of Little Compton, within the said county, having been convicted before his Majesty's Justices of Assize, and generall jail delivery, of high misdemeanor, and sentenced to pay a fine of £150 to the King, and to find sureties for the good behaviour for twelve months time, and to stand committed untill he performed the said sentence; the said Wilcocks had made his escape, and fled over into the government of Rhode Island notwithstanding a demand made of the Governor of Rhode Island, by Mr. Stoughton, the Lieut. Governor of the Province of the Massachusetts Bay, a copy whereof was produced. And I represented to them how scandalous a thing it was too for the King's Government to countenance and shelter such an offender from justice, and how ill I thought his Majesty would resent it, advising them to consider thereof. The said Daniel Wilcocks being present in the room.

I demanded of Governor Cranston and the Council, the state[ment] of their claim to the Narragansett country, in writing, who answered it was almost finished, and that it should be delivered to me this evening.

I also again demanded to have the copies of their laws and journals, according to his Majesty's instructions. They answered, they should be provided as soon as might be.

And I again, before all the company then present, admonished both them and the Commissioners for Connecticut government, to send their Agents into England as soon as they could, to lay before their Lordships of the Council of Trade a state[ment] of their case respectively, with relation to their pretensions to the Narragansett country.

I acquainted Governor Cranston and the Council, that I intended to leave this place to-morrow morning, and that I should empower Mr. Francis Brinley, Coll. Peleg Sanford, Mr. Nathaniell Coddington, Mr. Caleb Arnold, and Mr. Josias Arnold (to whom his Majesty's instructions referred me for assistance), to make further inquiries and take examinations of persons and witnesses upon oath, pursuant to his Majesty's said instructions, with whom I would leave a copy of his Majesty's said commission and instructions; and I told 'em I expected they would give the said persons assistance therein.

In the evening, Mr. Walter Clarke, one of the Commissioners for Rhode Island, brought me a state[ment] of their claim to the Narragansett country, in writing.

Wednesday, 27th September. This morning, about 10 o'clock, I set out from Newport, in Rhode Island, for Boston, being accompanied by Coll. Cranston, the Assistants, and a troop of horse, from Newport to the ferry, being upwards of ten miles. I dined this day at Bristoll, and came and lodged at Seconck, alias Rehoboth, this night.

Thursday, 28th September. I came from Seconck, alias Rehoboth, to Billings's Inn, where I dined, and in the afternoon I came thence to Boston.*

BELLOMONT.

* J. Carter Brown's Manuscripts, Nos. 47 and 48, Vol. III.

Governor Cranston to the Earl of Bellomont.

Newport, on Rhode Island, October 5, 1699.

Right Honorable: Your Lordship's letter of the 2d inst., with Mr. Secretary Vernon's letter there enclosed, I received yesterday. Your Lordship is pleased to signify your thankfulness for the entertainment you received at our Island, the which we embrace with more than ordinary satisfaction, that your Lordship will take notice of our poor and mean endeavors; and had we been in a capacity to have given that entertainment that was due to your Lordship, it would have been much more satisfactory to us. And we cannot but acknowledge your Lordship's moderation and favor towards us, his Majesty's poor and contemptible subjects. Yet I dare be bold to say loyall, whatever we may be otherwise represented.

Your Lordship is also pleased to signify the arrivall of Capt'n Gullock, from England, who is come to receive the money and effects stolen and run away with by Bradish and his accomplices, who designs very speedily for our Island, in order thereunto. I shall be very glad to be fairly discharged of that concern, which I have always desired, and hopewe shall do that which will appear honest and just therein.

I must beg your Lordship's pardon that the copies of our laws are not sent according to your Lordship's order. I have done my endeavor about them, but cannot as yet accomplish the perfecting thereof; but hope in a few days they will be ready to transmit to your Lordship. I shall take all the care I can to perform. In the mean time shall remain,

Your Lordship's most humble and obedient servant,
SAMUEL CRANSTON.

Peleg Sanford to the Earl of Bellomont.

Newport, November 8th. 1699.

My Lord: Let a man's intentions be never so resolved faithfully to discharge his Majesty's commands, it's not to be effected so long as the government remains as now constituted.

For what commissions are immediate from his Majesty is an infringement of Charter privileges; and the persons accepting the same are reputed enemies unto their free state, or unlimited power they say, is granted unto them therein, and are no otherways esteemed or taken: and those persons that villify and abuse them most, have attained the degree (if for no other virtues) to be of great ability, fit for to be a Councillor.

My Lord have found the truth of the report of the pirate Gillam being in this town, and authority advised thereof, notwithstanding his Majesty's special commands from time to time sent unto them before your Lordship's personally coming unto and declaring his Majesty's Royall pleasure and commands concerning pirates, and all other suspected persons coming from India, &c., should be seized; yet such are here countenanced, entertained and concealed, as by the evidences here enclosed, I lay before your Lordship's great wisdom's consideration.

Sir, such as are seized and committed, the favor and respects unto them is so

great, and such that £2000 or £3000 bonds is forthwith given for them; so having liberty, they give notice unto others of their wicked companions, whereby they know how and where to secure themselves. And it's thought there are severall of them now on or about this Island; but no inquisition after or notice by the government taken thereof; and for others in commission that's not cast in their mouth, they are so despised, that they cannot find who to betrust for their discovery, nor the persons that entertain them.

My Lord: If loyalty consists only in words, we are certainly happy and greatly favored by his Majesty's.

Mr. Brinley and myself went unto the Governor since his return from the Generall Assembly, in order to your Lordship's commands for the laws of this Collony—his answer was, that the Generall Assembly had chosen a Committee to overlook their laws, and that they were to sit the one-and-twentieth day of this month—how apparently this manifests their great loyalty and ready obedience (promised your Lordship) to his Majesty's will and pleasure, I'll not presume to judge, humbly craving your Lordship's pardon for my boldness, and to believe it proceeds from a hearty desire of your health, prosperity and increase of honors, and am, Sir,

Your Lordship's most humble and obliged servant,

PELEG SANFORD.

Walter Clarke to the Earl of Bellomont.

May it please his Lordship to accept of this small adventure to himself and lady, assuring you of my due and real respects with my wife's, and that I should be very glad I could serve you in any thing I am capable of.

Your kind acceptance of our small abilities when in this Island, with the kind gratitude and courteous deportments, has lain an obligation in the hearts of all well affected people, to esteem your remembrance honorable, and that they were counted worthy to be visited by persons of such Christian qualifications. I write in sincerity my serious sense in these few lines, which I pray your acceptance with my due respects, desiring the Lord to assist you in the management of so weighty concerns, and great trust reposed by his Majesty.

I was glad to hear by Major Church of the hopefull expectation of Esquire Penn's arrivall, which he told me he received at his Lordship's table, which will be welcome news to the people of this country. After so great a contagion and affliction, which I pray God he may sanctify to them, that his great name may be glorified thereby; I pray his Lordship's favor in his supplications to our gracious King, that we may be favored in our spirituall and temporal priviledges as we and our predecessors have enjoyed them; I believe a blessing will attend them that favors God's righteous dealings to his people.

WALTER CLARKE.

Newport, this 17th November, 1699.

Our Governor, with his wife, with my brother and sister Clarke, desire their hearty and due respects and service presented to you both, being at present in health, with the people of the Island. God be praised.

Governor Cranston to the Earl of Bellomont.

Newport, Rhode Island, December 22, 1699.

Right Honorable : By the bearer hereof, Capt'n Joseph Sheffield, one of the Assistants of this Collony (in obedience to your Lordship's command, by virtue of your commission under the great Seal of England), I have sent your Lordship a copy of the laws and Acts of said Collony ; though not complied with according to the time, which has been occasioned by the Generall Assembly, who was not willing your Lordship should have an imperfect copy of it, being a work which was never imposed upon this government before ; we were required by the Lords Commissioners of Trade and Plantations about two years passed, and since by your Lordship. And our laws and Acts being of many years standing, and in several books and schedules, did occasion some omission in the first transcript already sent home, and for preventing the like omission again, the Generall Assembly, as aforesaid, have caused a thorough search to be made by a Committee appointed for that end and purpose, the which has been the only means of not complying with your Lordship's request as to the time, and we hope your Lordship will be no ways dissatisfied for the same, we having done our endeavors to comply with his Majesty's and your Lordship's commands, not only in this, but in all other things required or requested by your Lordship, insomuch that we have laid ourselves open to many inconveniences and disadvantages ; and have even consented to your Lordship in setting Commissioners over us, whose power we concluded would not have extended further than to have made inquiry into things passed, which your Lordship had not time to do, and not to be continuall thorns in our side, and encouraging and taking all advantages against and for the overthrow of this government.

We shall not trouble your Lordship with many words, concluding your Lordship has taken some displeasure against us, as being an ignorant and contemptible people. But however, if your Lordship will be pleased to be so favorable to us, as to discourse the bearer hereof, Capt'n Sheffield (we shall acknowledge it as a very great favor), who will, we doubt not, but give your Lordship that just account of the affairs of this government, that we hope will be some means of taking off some part of the cause, wherein your Lordship, as we do conclude, has taken a disgust against us. We have no ways done any thing to give your Lordship any displeasure ; but if we do endeavor to vindicate ourselves in what we conclude to be right, we hope your Lordship will not blame us. So wishing your Lordship health and happiness, is what offers, from

Your Lordship's humble servants,

SAMUEL CRANSTON,

In behalf of himself and the Assistants on the Island.

Francis Brinley and others, to the Earl of Bellomont.

Newport, December the 23d, 1699.

My Lord : Yesterday we gave your Lordship an account by Mr. Joseph Pember-ton, an inhabitant of Nanhigansett country, who with others for declaring their minds in a town meeting, were brought to Newport, and committed to prison among rogues and felons ; and intend to prosecute them upon a severe Act, formerly

made, and made null and void by the subsequent Assembly, as destructive to the rights and liberties of the subject; a copy whereof, is here enclosed, and as we perceive since, is inserted in the Acts sent to your Lordship, either as the old law, taking no notice of the repeal or new enacted since your Lordship was here, to the end to strike terror into the people, that they shall not dare to speak a word in their own behalfs, least they incur a worse punishment than the oppression they groan under.

This day we went to the Governor for a copy of their laws according to your Lordship's order, but were surprised at his answer, that he had sent them yesterday to your Lordship, thereby breaking his word with us (who were often with him), to give us notice when they were transcribed, to receive them. We are well satisfied that they are not transcribed as they stand on record, and know some of them are not; and in particular, that Act forbidding any meeting in the Court House for religious meetings, and have sent that for an Act of the Assembly to your Lordship, which the Assembly never passed. There are more Acts, perhaps one-third or more, that they send not unto your Lordship, having thrown them aside, and passed an Act, that those sent are our body of laws, to the deception of his Majesty and the grievance of the subject, who have suffered, and have been kept in bondage under laws they are ashamed should be seen. They have put a wrong date to those Acts they have sent to his Majesty, to make them more authentick. They begin then 1665, after they had a Charter, but most of them were made twenty years before they had any power or authority to be a government; and were condemned by Act of Parliament after the King came to England, in generall among other matters, when they received power from his Majesty by Charter to govern the people of this place. They never revived their laws, nor passed any Act for their establishment, but proceeded to govern by them as authentick and good. We dare not presume to give your Lordship a further account of our miscarriages, for fear our report should not gain credit with your Lordship; our enormities being so great and numerous, may surpass belief.

We have a great desire your Lordship should command our laws should be publickly seen from one end to the other, that your Lordship may be satisfied, that we complain not without a cause; and that as we are, we are not fit nor capable to be a government. In hope of redress by your Lordship's means, we remain,

Our Lordship's most humble servants,

FRANCIS BRINLEY,
NATHANIEL CODDINGTON,
PELEG SANFORD.

Francis Brinley to the Earl of Bellomont.

Newport, December the 26th, 1699.

My Lord: Upon Governor Cranston's answer to us, that he had sent your Lordship the Acts of the Assembly contrary to his promise to us, we presently wrote to your Lordship, to give you account thereof; but missed that opportunity of conveyance. I have since then seen their additional Acts, some whereof have been repealed, some altered, and some made new. Amongst them is an Act made in April, 1672, chiefly against the Quakers, by a ruling power that had no favor for them, but was so ill resented by the people in generall, that they were ready to

break forth into disorder, had not the Court of Election been near. They then agreed to turn out of place those that were the cause of that Act, so prejudicial to the liberties and priviledges of the people in generall; and accordingly turned them out, and put others in their rooms, choosing a Quaker to be their Governor, and other Quakers in other places of government, whereof Walter Clarke was one upon their sitting. They repealed that severe Act of whipping, fining and imprisonment for speaking a word or two, as illegall and arbitrary, a copy of which Act and repeal is enclosed; they have now inserted it amongst the laws sent to your Lordship, with a preface, and would have that pass now for a law, that they some years ago condemned as illegall; Walter Clarke being one of the Assembly in 1672, that repealed it, and is now one of the Assembly that would revive it, but not yet known to the people, who may be as much disturbed now as they were then. They have likewise in their additions to your Lordship, inserted some Acts that concerns the settling some part of the Nanhiganset country, and thereupon forced a possession upon other men's land, without any triall at law, and so keep it by a strong hand; but leave out many more Acts that are usefull to the rightfull proprietors, in hopes to get his Majesty to confirm those Acts, thereby to keep the right owners from their just possessions. According to their way of governing Nanhiganset, the Generall Assembly of Rhode Island have nothing to do there, for the King's Commissioners in 1664 took it from both Connecticut and Rhode Island, and granted a Commission to some persons to govern distinct from both; and they both submitted to it. Yet now, Rhode Island would break out and make void that Commission they have acted by and so much magnified in their Acts of their Generall Assembly, which I can readily make appear.

I am your Lordship's most humble servant,

FRANCIS BRINLEY.

Francis Brinley to the Earl of Bellomont.

Newport, December 31, 1699.

My Lord: I cannot omit to acquaint your Lordship of the deception our authority have put upon the Lords Commissioners of Trade and Plantations, as also your Lordships and the inhabitants of this Collony in sending a transcript of our laws, which are not authentick copies of the original laws and Acts in this Collony; the greatest part being altered and much varying from them, and passing an Act 21st November last to impose them on the King's liege subjects here inhabiting, to be the whole body of our laws, to be observed in this Collony, which said Acts not being authentick copies, and as they stand transcribed were never made by our law making Assemblys, and I conclude not binding to us, but is an imposition on the King's subjects; from whence it may be rationally concluded, that we are without law; for these Acts in their transcript having no legall foundation, cannot be made good by confirmation according to a maxim in the law of England; and by their aforesaid Act 21st November, they have repealed all the rest of their laws, which are double to what they have sent.

In their said Act, they appointed a Committee to inspect into their laws and make a return to the Assembly, whether there were any laws omitted, which might be proper to add to the first transcript. And to that end, the Committee made a list of what laws were suitable to be continued; and, as I understand, have

not sent in their transcript to your Lordship all that are in the said list, among the rest of the laws that are to be continued. They have transcribed as a law to be continued, that which was no law; for a law repealed, is no law, and a thing that is not, cannot be continued. The title they give it here is, None to oppose Generall Assembly Acts; wherein they inflict severe punishment by fining, whipping or sending to the House of Correction at the discretion of the Justices; for speaking against any of their Acts, and upon complaint to a Justice of any that have transgressed, to be bound by recognizance to the King, or imprisoned at the will of the Justice, affording more favor to pirates when committed to prison, to go at large upon bail.

Another Act they have inserted, and I suppose lately made, to allow the Council fifty shillings for each time they have gone over to Nanhinganset (which are many), to transact affairs on that side. Yet they say they have no Journals of the Council, and therefore in reason ought to have no wages.

These are things I thought meet to recommend to your Lordship, which happily being a stranger to them, might pass unregarded, which we that live here, have a more certain knowledge of their designs and contrivances.

I am your Lordship's most humble servant,

FRANCIS BRINLEY.

Extract of a letter from the Earl of Bellomont to the Board of Trade.

Boston, 5th January, 1699-1700.

I received not the laws of Rhode Island, till the 23d of last month, which I now transmit to your Lordships; it seems that government have taken all this time to prune and polish 'em. And yet after all, I believe the world never saw such a parcel of fustian. I have got Mr. Addington, the Secretary, to read 'em over and make some remarks on them, which remarks I now send your Lordships.

I desire your Lordships will please to observe the Governor of Rhode Island's letter to me of the 22d of last month, wherein he calls it an imposition upon their government that your Lordships should require a transcript of their laws, and that I have done the same by the King's command. I did (as the King's commission and instructions empowered me) appoint four or five gentlemen of that Island by an authority under my hand and seal, to call for their laws and Journalls, and to inquire into the irregularities of that government, which thing Governor Cranston resents in his said letter to me, though I am confident without any just reason; for I cannot find those gentlemen have in the least abused the power I conferred on them, but have acted with all the moderation and prudence that could be expected from them.

Your Lordships will see by three letters of the 23d, 26th and 31st of last month, from the gentlemen I left in commission at Rhode Island, what unaccountable things that government continues to practice; and there is a strange sort of Act of their Assembly, which the said Commissioners take notice and complain of, in some of their said letters. Mr. Secretary Addington also in his remarks, reflects on the said Act particularly.

I send your Lordships two letters, of the 5th of October and 17th of November, which I received from the present Governor of Rhode Island, and from Mr. Walter

Clarke, the late Governor, wherein they compliment me upon my behaviour among them in the execution of his Majesty's commission and instructions. I trouble your Lordships with those letters, that I may be justified against any false insinuations from that government any time hereafter.

There have come many complaints to me from the Narragansett country of great violence done the people there by the government of Rhode Island, since my being there, in levying taxes on them out of all measure and proportion, and without the people's having any hopes or prospect of a due application of their money. But I tell the people 'tis not in my power to relieve 'em, and that they must wait with patience till his Majesty is pleased to interpose by Royall authority for their protection. That people is much to be pitied, for I look upon them to live in a state of war, while the rest of the King's subjects live in peace and quietness.*

I am with respect, my Lords,

Your Lordships' most humble and obedient servant,

BELLOMONT.

[Among the various documents preserved among the papers in the collection of Mr. John Carter Brown, copied from Her Majesty's State Paper Office, London, from which many are taken which appear in these Records, are letters and depositions, which corroborate in a measure, the serious charges contained in the report of the Earl of Bellomont, against Rhode Island. It does not appear, however, that there was any complicity between the authorities of the Collony and those engaged in piracy, as might be inferred from Lord Bellomont's report. The facilities with which commissions for letters of marque were obtained during the wars with France and Spain, induced many adventurers to resort to Rhode Island, for that purpose; while the advantages of the fine harbors of Narragansett Bay led these privateers to fit them out, as well as to return here with their booty. The men engaged in these enterprizes, might, in modern parlance, be styled fillibusters. The notorious Captain Kidd was within our waters, where he landed portions of his goods and ill-gained treasures, as appears from the testimony referred to. Severall of his companions, charged with piracy, also took refuge here, and on the east end of Long Island, where they were sought by the authorities at the instigation of Lord Bellomont. Kidd was taken in Boston, and although some of his companions were arrested in Rhode Island, others eluded all search. The British government sent a ship to Boston for Kidd and his associates in prison, by which they were taken to England, where they were afterwards executed.—J. R. B.]

* J. Carter Brown's Manuscripts, Nos. 362, 368, 370, 372, 373, 374, 375, 377, Vol. IV.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, the 16th day of February, 1699–1700.

Major Samuel Cranston, Governor.

Weston Clarke, Recorder.

Voted, That there be a Committee chosen out of both Houses for drawing up an Act for gathering the remaining part of the £600 rate from the severall towns and inhabitants of this Collony, having not paid according to the Act made at Warwick, by the Assembly then sitting the 25th of October, 1699, the Committee so appointed having drawn up said Act and approved and allowed by the Assembly, copies whereof were forthwith drawn up and sent to each town in the Collony, under the seal of said Collony, which [were] omitted in these Acts.

Voted, Whereas, by virtue of an Act of the Generall Assembly, held by adjournment at Kingstown, Aug. 7, 1698, for the levying and raising from the inhabitants within this his Majesty's Collony the sum of eight hundred pounds, current money ; four hundred of which, was for payment of the Collony's debt ; the other four hundred pounds for the supply of an Agent for this Collony, in the realm of England, as will more fully appear by said Act ; reference thereunto being had. But since the making of the aforesaid Act, the immergent occasions of this his Majesty's Collony, hath caused severall Acts and orders of the Generall Assemblies of this Collony, to the Honorable Samuell Cranston, Esq'r, Governor, for the disbursing within this Collony, the greatest or almost all the aforesaid sum of £800 current money, aforesaid ; partly for other uses than was by the aforesaid Act premised : but taking into consideration the necessity and justice for this Assembly to discharge and forever quit the aforesaid Samuell Cranston, Esq'r, Governor, for the

improving and laying out the aforesaid sum of £800 for uses of the Collony aforesaid.

Be it therefore enacted, That he, the said Samuell Cranston, Esq'r, Governor, and his heirs, and by virtue of this Act is forever quitted and discharged of all claims whatsoever that might arise by virtue of the aforesaid Act, or any Act or Acts relating to said premises.

Nevertheless, be it further enacted, If Mr. Jahleel Brenton, Esq'r, who was appointed Agent for this his Majesty's Collony, as by Act bearing date May 3, 1699, hath disbursed any monies, or should on the behalf this Collony draw any bills for the same on the said Honorable Samuell Cranston, Esq'r, Governor, as by the said Governor's former advice to him, the said Brenton, signified, bearing date May the 27th, 1699, then the said sum or sums so drawn, shall be allowed and paid him out of such sum or sums, rate or rates as may hereafter be raised for the same; any Act to the contrary hereof notwithstanding.

Voted, Whereas there is a remonstrance presented to this Assembly, by Mr. Thomas Rathbon and Mr. Nathaniell Mott, Deputies for New Shoreham, wherein they seem to alledge that they have not had equal priviledges with their neighbor inhabitants of said Collony, in not having timely notice by writ or warrant for the electing Deputies to sit in Assemblys.

The Assembly's answer thereunto is, that the inhabitants of New Shoreham have full power by their town charter to make choice of Deputies from time to time to sit in Assemblys without either writ or warrant; and that they have not had the copies of the Assembly's Acts in season, which the Assembly hath ordered. And also given the Assembly to understand the great charges they have been at in their own defence against his Majesty's enemies, the French, in the late war.

Therefore, the Assembly have enacted and do declare, that the twenty-two pounds that New Shoreham should have paid to the £800 levy, which is yet unpaid, shall be remitted; and that they forthwith pay their proportions to the late levy of £600, in order for sending an Agent for England. And if it shall appear to the Assembly that the abatement of the twenty-

two pounds be not a sufficient retaliation of their charge alleged by them, that then they may be considered in the next rates to be made, to defray Collony charge.

Voted, Whereas there was a petition presented to this Assembly by severall of the inhabitants of the town of Warwick, that whereas there was a draft of the lands of East Greenwich, &c., by John Smith, Surveyor, by order of a Generall Assembly, and was allowed of by said authority, and ordered to be committed to record. But by the change of government in Sir Edmund Andros his time, said draft has been absconded, which hath proved detrimentall to severall of your petitioners and others ; and having since obtained a copy of said draft, this Assembly have desired our Honored Governor, Samuell Cranston, Esq'r, and such others as he shall see cause to advise with to prove said copy, which he hath done ; and his return to this Assembly is, that the draft is truly laid down according to the severall courses and lines therein drawn.

Be it therefore enacted by this Assembly and the authority thereof, That the said draft or plot, so compared and proved by the Honored Governor, aforesaid, shall be from henceforth allowed and taken for the plot of East Greenwich lands ; and to be as authentick as the original draft so absconded as aforesaid ; any Act to the contrary hereof notwithstanding.

Voted, That the Commissioners chosen in this Assembly to treat with Connecticut gentlemen, be still continued in full power, to act in that concern as fully and amply as they were by their former commission, if there shall be occasion present for another meeting ; or by writing, if they see cause.

Be it enacted by and with the advice and consent of the Governor and Assistants and Representatives in this Assembly convened, and the authority thereof, and it is hereby enacted, That Capt'n Joseph Sheffield, Esq'r, is appointed sole Agent for this his Majesty's Collony of Rhode Island and Providence Plantations, &c. ; always provided, if it doth appear to the aforesaid Capt'n Joseph Sheffield, that Mr. Jahleel Brenton, Esq'r, hath not acted by virtue of the power to him committed, bearing date May 14th, 1699, as well for the maintenance, up-

holding and continuing his Majesty's Letters Patent to us granted, as well as any other difference or differences, case or cases, in the behalf of the aforesaid Collony, either before his Majesty's Councill, or any other Ministers of Justice, within the realm of England.

Nevertheless, if it shall appear to the aforesaid Joseph Sheffield, Esq'r, that the aforesaid Jahleel Brenton, Esq'r, hath accepted of the trust, aforesaid, and hath acted and negotiated in the foresaid Collony's behalf, for the maintenance of the privileges to them granted by virtue of the aforesaid Charter, then the said Jahleel Brenton, Esq'r to be continued jointly in the aforesaid Agency, with the aforesaid Sheffield; and he the said Brenton, to be paid his expense and charges in the aforesaid premises, as by an Act of Assembly passed at Newport, the 3d of May, 1699.

But if it shall, on the contrary, appear to the aforesaid Sheffield, then he, the said Joseph Sheffield, is hereby appointed whole and sole Agent for this his Majesty's Collony affairs [afore]said; to appear before his Majesty and Councill, or any other Ministers of Justice, in the realm of England, to negotiate and make answer to and for the aforesaid Collony, in respect to the unhappy difference between this his Majesty's Collony of Connecticut, and to all other matter, case or cases, complaint or complaints whatsoever, shall be alledged in the realm of England, aforesaid, against this his Majesty's Collony, in any nature whatsoever.

Also be it further enacted, That the aforesaid Capt'n Joseph Sheffield, Esq'r, shall have allowed and paid him by this, the aforesaid Collony, after the rate of eighty pounds current money, per annum, during his Agency, besides his reasonable expense and charge in transportation, and otherwise for his honorable accommodation. And what charge he shall be put to for the defence and interest of this Collony, to be paid and allowed of by said Collony of Rhode Island, aforesaid. And that the aforesaid Joseph Sheffield, Esq'r, give unto this his Majesty's Collony an account of his just charge in the premises aforesaid.

Also be it further enacted by the authority aforesaid, That the former Committee, viz.: the Honorable Samuell Cranston, Esq'r, Governor, Robert Carr, James Barker, Giles Slocum, Esq'r, Mr. John Borden, Mr. Ebenezer Slocum, Mr. Nathaniell Waterman, and Mr. Richard Greene, or the major part of them, be continued, with full power to act in all cases, for the forwarding and sending away said Agent with what expedition may be, and to give him full advice as shall be thought needfull.

And be it further enacted, That the Governor of this Majesty's Collony, shall give the aforesaid Agent a full, large and ample commission for the executing the aforesaid premises, with the seal of this his Majesty's Collony thereunto affixed.

This Assembly is adjourned to the 25th of March, 1700.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, the 25th of March, 1700.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

At adjournment of the Generall Assembly from the 14th of February, 1699, to the 25th of March, 1700.

Voted, Whereas Mr. Josias Arnold, of Cononnicut, alias Jamestown, presented a petition, dated the 25th of March, 1700, that the Horse Ferry between the said Jamestown and Narrangansett shore might be settled on him for some years, he being willing to provide accommodations suitable for travellers, and suitable boats for good transportation, to attend said Ferry :

This Assembly taking the premises into consideration, and to accommodate the petitioner, and the conveniency that may

be for the future good of his Majesty's subjects in this Collony, and others.

Be it enacted by this Assembly and the authority thereof and it is hereby enacted, That the said Ferry between Cononicut, alias Jamestown and Narragansett, be settled on the said Josias Arnold, his heirs and assigns, for the full term and time of seven years. He, the said Josias Arnold, or his assigns, paying in to the Generall Treasury of this Collony two pounds, ten shillings per year, and observing such Acts and orders as hath been already passed, relating to Ferries; and that no person shall by this Act prejudice the said Arnold in his employ as aforesaid, by keeping a publick Ferry.

Voted, Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That the Recorder, with the assistance of Mr. Isaac Martindale, draw up a true copy of the Acts of this Assembly that are not already published and send copies to each town, that they may be in a readiness to be published in the Assembly sitting the day before the next Election; and that Mr. Martindale be allowed ten shillings out of the Generall Treasury, for his assistance herein, and the Recorder eight shillings for each copy of these Acts from the severall towns.

Voted, This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 30th day of April, 1700.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

At a Generall Assembly, sitting the 30th day of April, 1700, being the day before the Election of Generall Officers for

the Collony of Rhode Island, &c., for to make preparation for said Election.

The House of Deputies have chosen Mr. Jonathan Holmes Speaker, and Mr. Isaac Martindale Clerk.

Voted, That both Houses be resolved into a Committee for the work of this day.

Peleg Shearman, Jun'r, Thomas Hicks, Joseph Anthony, Preserved Fish, Phillip Shearman, William Anthony, Zurual Hall, Benjamin Hall, Benjamin Wilbor, all of the town of Portsmouth, are admitted freemen of this Collony.

Samson Batty, and John Thomas, of Jamestown, were admitted free of the Collony.

Samuell Clarke, John Sanders, William Champlin, Jun'r, John Clarke, Tobias Brandall, all of the town of Westerly, are admitted freemen of this Collony.

George Tibbitts, and John Carpenter, of the town of Greenwich, are admitted freemen of this Collony.

Capt'n Joseph Sheffield, and Mr. Joseph Williams, Assistant, are appointed to open the proxcive votes at Election.

Mr. Benedict Arnold, and Mr. Job Greene, are to receive the votes at the Election.

The several Deputies above named, were engaged according to the law of the Collony, for the due performance of what they were chosen unto.

Henry Tibbitts, Jr., John Tibbitts, Elisha Mitchell, and Zerrubabell Westcoat, all of Kingstown, in open Assembly took the oath of allegiance and fidelity to this Collony, according to what was administered to the Deputies.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 1st of May, 1700.

Major Samuell Cranston, Governor.
Weston Clarke, Recorder.

The Charter read in the Assembly.

The Assembly voted to proceed to Election; and both Houses were resolved into one, till the Election be over.

Samuell Cranston, Esq'r, Governor.
Mr. Walter Clarke, Deputy Governor.

The following were then chosen and engaged.

ASSISTANTS.

Capt'n Robert Carr,	Mr. Giles Slocum,
Mr. Isaac Martindale,	Mr. Benjamin Barton,
Mr. Joseph Williams.	Mr. Benjamin Smith,
Major William Hopkins,	Capt'n Jeoffrey Champlin.
Capt'n Joseph Sheffield,	Ensign John Eldridge.

DEPUTIES.

<i>For Newport.</i>	<i>For Westerly.</i>
Mr. Jonathan Holmes,	Capt'n William Champlin,
Mr. John Easton, Jun'r.	Mr. Joseph Clarke,
<i>For Providence.</i>	Lieut. Peter Crandall.
Mr. Joseph Jencks, Jun'r,	<i>For Kings Towne.</i>
Mr. Jonathan Sprague,	Capt'n Edward Greenman.
<i>For Portsmouth.</i>	<i>For East Greenwich.</i>
Mr. John Borden.	Mr. John Spencer.
<i>For Warwick.</i>	
Mr. Randall Holden.	

RECORDER.

Weston Clarke.

SHERIFF.

Thomas Mallett.

GENERAL TREASURER.

Mr. John Holmes.

GENERAL ATTORNEY.

Mr. John Rhodes.

MAJOR FOR THE ISLAND.

Henry Tew.

MAJOR FOR THE MAIN.

Capt'n John Dexter.

The Assembly adjourned to the 2d instant.

The Assembly called, and full.

The Assembly is adjourned to the 4th instant.

May 4.

The Assembly was called.

The Justices of the Peace for the Collony were then chosen by the Assembly.

There being a letter from severall inhabitants of the town of Westerly, complaining of the illegall proceedings of the Justices of said town, the Assembly having perused the letter, see no cause but the Deputies of said town serve in the Assembly, and the choice of the town that is legall.

Whereas, Jahleel Brenton, Esq'r, was by virtue of an Act of the Generall Assembly of this his Majesty's Collony, bearing date May the 3d, 1699, appointed Agent for this his Majesty's Collony, as by commission and instruction granted to the said Brenton, bearing date May the 14th, 1699, derived by virtue of the aforesaid Act, reference being thereunto given; but doubt since arising whether the aforesaid Brenton, Esq'r, did or would accept of the aforesaid commission and instructions to him granted by the aforesaid Collony, for that no return being made thereof by the aforesaid Brenton, to this his Majesty's Collony, and being since by his Majesty's command required to appear before himself and Councill this Spring, by our Agent, for determination of all matters and causes relating to the affairs of this his Majesty's Collony:

Therefore, by virtue of an Act of Generall Assembly, of this his Majesty's Collony, sitting by adjournment the 14th of Feb-

ruary, 1699–1700, did appoint and constitute Capt'n Joseph Sheffield, Esq'r, Agent for this his Majesty's Collony, as by the aforesaid Act; reference being thereunto had, as well as by a commission granted to said Sheffield, therein bearing date April the 12th, 1700. But whereas it doth now appear to this Generall Assembly aforesaid, since the granting of the aforesaid commission and instructions to the aforesaid Sheffield for his Agency, by virtue of the aforesaid Act, passed the 14th of February, and that Mr. Jahleel Brenton, Esq'r, hath accepted of the aforesaid trust reposed in him by virtue of the aforesaid Act, reference being thereunto had, and this Assembly taking it into their serious consideration, and putting special trust and confidence in said Brenton, Esq'r, and considering the great charge that would arise on said Collony, by continuing the aforesaid Sheffield in the aforesaid trust, &c.:

Be it therefore enacted by the Governor and Councill, and Representatives in Generall Assembly convened, and the authority thereof, and hereby it is enacted, That the aforesaid Jahleel Brenton, Esq'r, is still continued sole Agent for this his Majesty's Collony of Rhode Island and Providence Plantations, according to the above recited Act, bearing date May the 3d, 1699.

And be it further enacted by the authority hereof, That the above recited Act, bearing date February the 14th, 1699–1700, for the appointing Capt'n Joseph Sheffield, Esq'r, an Agent for this his Majesty's Collony, aforesaid, to appear and make answer before his Majesty and Councill, or any other Minister of Justice, for and in behalf of this aforesaid Collony, be by virtue hereof, and is hereby repealed, made null, void and of none effect.

And be it further enacted by the authority hereof, That the said Capt'n Joseph Sheffield, Esq'r, do forthwith resign, give in and deliver up unto the Honorable Samuell Cranston, Esq'r, Governor, for the use of this his Majesty's Collony, the aforesaid commission and instruction, for his aforesaid Agency, with all such sum or sums, bill, bonds, or payments by him

received by virtue of the aforesaid trust reposed in him, by virtue of the aforesaid Act, commission or instructions.

And be it further enacted by the authority hereof, That the said Samuell Cranston, Esq'r, Governor, shall and do give in behalf of this Collony, upon receipt thereof, a full and finall discharge to the said Joseph Sheffield, Esq'r, for the same.

And be it further enacted, That the bills drawn by Mr. Jahleel Brenton, Esq'r, payable to Mr. William Payne, merchant in Boston, for £270, be paid by the said Honorable Samuell Cranston, Esq'r, Governor, out of such sum or sums of money, bills or bonds, as shall be received of the aforesaid Capt'n Joseph Sheffield, Esq'r, by virtue hereof; any Act or Acts, law or laws to the contrary notwithstanding.

Whereas, Capt'n Joseph Sheffield, Esq'r, was appointed our Agent for this his Majesty's Collony of Rhode Island, aforesaid, as will more at large appear by Act of Generall Assembly, bearing date the 14th of February, 1699-1700, since which the said Act is repealed, and authority given the Honorable Samuell Cranston, Esq'r, Governor, to receive of and from said Joseph Sheffield, Esq'r, all sums of money, bills, bonds, &c., received by him by virtue of his Agency; and finally to discharge the said Sheffield upon receipt thereof, according to the afore recited Act.

Be it therefore enacted by the Governor and Councill, and Representatives in this present Assembly, and the authority thereof, That the said Joseph Sheffield, Esq'r, be allowed for his disbursements and charges for and in pursuance of his intended voyage for England, as Agent of this his Majesty's Collony, &c., by virtue of the abovesaid Act, bearing date February the 14th, 1699-1700, the full and just sum of forty pounds current money, to be paid out of such sum or sums of money as he, the said Sheffield hath received by virtue of his late authority aforesaid.

Be it further enacted, That upon the allowance or payment of the said sum of forty pounds, he, the said Sheffield, shall give the Honorable Samuell Cranston, Esq'r, Governor, in be-

half of this Collony, a full and finall discharge ; any Act or Acts to the contrary notwithstanding.

Whereas, Henry Tibbitts, Jr., John Tibbitts, Elisha Mitchell, and Zorababel Westcoat, all of Kingstown, in this his Majesty's Collony, have petitioned this Assembly for a rehearing from a judgment passed against them by a Court of Inquiry, held in Kingstown, in his Majesty's name, April the 22d, 1700, they being by a Jury of Inquiry, at said Court found guilty of a riot, and this Assembly having dilligently examined and heard what each of said persons could say why the said judgment should not be executed upon them ; and have also thoroughly weighed and considered of the severall evidences sworn in behalf of his Majesty against them ; as also the validity of such evidence as they produced to clear themselves.

And upon a thorough debate of the same, do enact as followeth, and it is hereby enacted, That forasmuch as Henry Tibbitts, Jun'r, and John Tibbitts made a publick acknowledgment in open Assembly before the House of Deputies, that the proceeds of the Court of Inquiry, sitting in Kingstown, as above-said, was legall against them, but it not appearing to this Assembly that they could give any just account of their being in company at the rescue of a prisoner from the Deputy Sheriff, that they, the said Henry Tibbitts, Jun'r, and John Tibbitts shall pay each of them twenty-five shillings, into the Generall Treasury, for the use of the Collony ; the which, fifteen shillings abated out of their former fine, and to pay officers' fees since their commitment ; and to remain prisoners till paid.

And forasmuch as Zorababel Westcoat made a publick acknowledgment in open Court, before the House of Deputies, that the proceedings of said Court of Inquiry, at Kingstown, &c., was legall against him, and begs favor of this Assembly for this his defect :

It is therefore enacted, That there shall be twenty shillings of Westcoat's fine abated, and that he shall pay twenty shillings into the Generall Treasury, for the use of the Collony, and pay officers' fees since his commitment, and to remain a prisoner till paid.

And whereas, Elisha Mitchell, hath behaved himself very stubbornly and morosely, and would make no publick acknowledgment as to the legallity of the Court of Inquiry of Kingstown, &c. ; and it appearing to this Assembly by his own acknowledgment, that he left his own business, and rode about three miles out of his way, with the company that rescued a prisoner out of the Deputy Sheriff's hands, on the same day :

It is therefore enacted by this Assembly, That the said Elisha Mitchell shall pay his fine, as he was amersed by the said Court of Inquiry, according to the said Court sentence, and pay officers' fees since his commitment, and to remain a prisoner till paid.

Whereas, at a Court of Inquiry, held in his Majesty's name at Kingstown, the 22d of April, 1700, Lieut. James Greene, Israell Newton, Ishmael Spink, Edward Greene, Daniell Greene, John Whitman, Vallintine Whitman, John Greene, Nicholas Utter, Jun'r, Thomas Withers, Charles Bery, Robert Alesworth, Edward Hops, Joseph Dolliver, Jun'r, Daniell Erolt, the French Doctor's son, all of the Narragansett country, within this his Majesty's Collony of Rhode Island and Providence Plantations, were by a Jury of Inquiry, according to law, found guilty of a riot, viz. : at arms, to the terror of his Majesty's liege subjects, and contrary to the statutes in such cases provided, to the breach of his Majesty's peace, and contrary to his crown and dignity in Kingstown, and accordingly were by the Justices fined and sentenced to pay a sum of money, or be imprisoned till they shall ransom themselves by paying their said fines ; but the said persons being not present at said Inquiry and sentence, by reason they had absconded themselves, and could not be found by the officers appointed to apprehend them ; this Assembly taking the matter into their consideration, do find that the proceedings of the Justices by Inquiry, were not agreeable to law ; but on the contrary do find there was some remisness or oversight in their proceedings, to fine without the said persons had been present to answer.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That the execution of the

finest assessed by said Justices (on said Lieut. James Greene, Israell Newton, Ishmael Spink, Edward Greene, John Whitman, Vallintine Whitman, John Greene, Nicholas Utter, Jun'r, Thos. Withers, Charles Bery, Robert Alesworth, Edward Hops, Jos. Dolliver, Jun'r, Daniell Erolt, the French Doctor's son), shall be suspended.

Nevertheless, it is further enacted by this Assembly, That the said persons be not acquitted of the said riot, found by Inquiry, as abovesaid; but that they shall be liable to be proceeded against, as the law doth direct in such cases; and in order thereunto, warrant shall be granted forth by the Governor to the Sheriff or his Deputy, for the apprehending the said persons; or otherways to give forth Proclamations, that the said James Greene, Israell Newton, Ishmael Spink, Edward Greene, John Whitman, Vallintine Whitman, John Greene, Nicholas Utter, Jun'r, Thomas Withers, Charles Bery, Robert Alesworth, Edward Hops, Joseph Dolliver, Jun'r, and Daniell Erolt, the French Doctor's son, do yield and surrender themselves at the next Generall Court of Tryalls, to be held for the Collony, the first Tuesday in September next, at the Collony House, in Newport, then and there to answer for said riot; otherways judgment shall pass against them for default.

This Generall Assembly taking into consideration the extraordinary charge and trouble that the Honorable Samuell Cranston, Esq'r, Governor of this his Majesty's Collony, hath been at, occasioned by the many complaints against said Collony, as well as the unhappy difference between this his Majesty's Collony and his Majesty's Collony of Connecticut, &c.:

Be it therefore enacted by this Generall Assembly convened, and the authority thereof, and be it therefore enacted, That the Honorable Samuell Cranston, Esq'r, aforesaid, shall have by virtue of this Act paid to him out of the first money that shall come into the Generall Treasury, besides his annual sallary, before the making of this Act, granted to him the sum of thirty pounds current money, of said Collony; any Act or Acts, law or laws, to the contrary hereof notwithstanding.

Whereas, the Deputies of Newport, Portsmouth, Westerly and Greenwich, have requested of this Assembly, that there may be one Justice of the Peace added to each of their respective towns :

Be it therefore enacted by this Assembly, and the authority thereof, That there shall be one Justice of the Peace added to the town of Newport, one Justice of the Peace added to the town of Portsmouth, one Justice of the Peace added to the town of Westerly, one Justice of the Peace added to the town of Greenwich ; all which Justices shall be elected by the Generall Assembly, successively, and commissioned as other Justices of the Peace are, or have been in this Collony.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That the Governor, Deputy Governor and Assistants of Newport, shall, with what expedition can conveniently be, write to the Lords of the Committee of Trade and Plantations, in answer to their last letter ; and also to our Agent, Jahleel Brenton, Esq'r, and to send him such writings and instructions as they shall think needfull for the Collony's interest.

And it is further enacted, That the said Governor, Deputy Governor and Assistants of Newport, shall take care for the transcribing the laws of this Collony into a true form and method, in a regular manner, that they may be sent to their Lordships, under the Seal of the Collony, as soon as possible it can conveniently be done ; and that they shall be allowed out of the Generall Treasury what they shall think just and needfull for the charge and expense in the same ; and that the said Governor, Deputy Governor, and Assistants, shall do all things as they shall think needfull in the aforesaid premises, for the Collony's interest.

Whereas John Carr, of Newport, and Thos. Winterton, of Jamestown, have petitioned this Assembly that the Ferry between said Newport and Jamestown, be stated and settled upon them for seven years :

Be it therefore enacted by this Assembly and the authority thereof, That the said Ferry between said Newport and James-

town, shall be stated and settled upon said John Carr, and Thomas Winterton, for seven years ensuing; they giving bonds jointly and severally to the Generall Treasury, under their hands and seals, to the value of ten pounds, for their true and faithful discharge in performing such things as are hereafter premised, viz.: that they shall yearly, and at the end of every year, during the time of seven years, pay into the Generall Treasury the sum of five pounds current money, for the use of the Collony; and to carry all officers, being upon the King's service, and the Post ferriage free; and likewise to keep and maintain good and suitable boats, and all other things needfull for the accomodation for strangers and travellers.

You, A. B., being chosen to the place and office of a Deputy to sit in the Generall Assembly, do, as in the presence of God, solemnly engage true allegiance to his Majesty, his heirs and successors, to bear; as also fidelity to this his Majesty's Collony of Rhode Island and Providence Plantations, and the authority therein established, according to our Charter; and you do further engage equall right and justice to do to all persons as shall appeal unto you for your judgment in their respective cases; and this engagement you make and give upon the peril of the penalty of perjury.

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That the engagement hereunto annexed, shall be taken by every respective Deputy chosen to sit in Generall Assembly, the which engagement shall be administered and given in open Court by the Governor, Deputy Governor, or any two Assistants of said Collony.

And it is further enacted, That if any of the said Deputies so chosen, shall refuse or neglect to take said engagement, it being lawfully tendered, he or they so refusing or neglecting, shall not be admitted to sit and act in any case in the House of Deputies, till he hath taken the said engagement; and this Act to be and to stand in full force or virtue; any act, clause or clauses to the contrary in any wise notwithstanding.

Whereas, it was enacted at a Generall Assembly sitting by adjournment at Newport, February the 14th, 1699-1700, that

the remaining part of the £600 levy, assessed on the Collony, for an Agent or Agents, which was not then gathered and delivered into the Generall Treasury, should by the respective Constables of each town in the Collony be gathered and delivered into the Generall Treasury, by the 15th of March last; and in default of which :

It was further enacted, That the Governor and Assistants of Newport, or the major part of them, should grant forth warrant to the High Sheriff of the Collony, to gather and make distrainment upon every person within said Collony, which had not paid their proportion of said rate, and deliver the same into the Generall Treasury by the 20th of April last; and severall Constables in severall towns, through their own neglect, or through the stubbornness of the inhabitants' not complying with said Act, the Governor and Magistrates of Newport did thereupon grant forth their warrant to the High Sheriff for the gathering of the remaining part of said rate, as the said Act did direct; and the said Sheriff being in the execution of his warrant, was in the town of Westerly, in this his Majesty's Collony, with his aid, in a riotous manner seized upon by a company of people, most of them belonging to the Collony of Connecticut, and in a violent manner carried out of this government, and is since unjustly detained and imprisoned in the Collony of Connecticut, the which unjust proceedings of the government of Connecticut, was the cause, as we are justly informed, that the said rate was not gathered and returned into the Generall Treasury by the time limited in said Act, so that there is a considerable part thereof yet outstanding; and in particular in the towns of Westerly and Kingstown.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That it shall be in the power of the Governor, Deputy Governor, and any two Assistants in this Collony, to constitute and appoint one or more Speciall Constables, and to give him or them full power and authority from time to time, to take sufficient aid to demand and receive of every particular person within this Collony, who has not yet paid their proportion of said £600 rate, which was assessed on

the Collony, for an Agent or Agents, as is aforesaid ; and upon neglect or refusal of any of said persons to pay said rate upon demand, to make distraint upon their goods or chattels, with so much more as the law directs, for himself and aids ; and for want of which, to seize the body or bodies, and cause them to be imprisoned till they shall comply and pay their said rate.

And it is further enacted, That the Governor, Deputy Governor, and any two Assistants, as aforesaid, shall, and have hereby full power and authority to proceed in the aforesaid premises, with what expedition may be, after the adjournment or dissolution of this Assembly ; and their power and authority herein, to be and stand in full force till the next sitting of this or any other Assembly of this Collony.

And it is further enacted by the authority aforesaid, That the Constable or Constables as shall be appointed, shall give a true and just account of their proceeds to the Governor, Deputy Governor, and Assistants, from whom they shall receive their warrant ; and whatever they shall receive or distraint upon the account of said rate, to deliver to the Governor, &c., in order that the same may be delivered into the Generall Treasury ; and wherever they make any distraint, after appraisall and sale made according to law, to return the overplus as the law directs.

Whereas, the Act of Assembly, made the 14th of February, 1699–1700, for the sending an Agent for England, &c., hath been by this Assembly repealed, and the former commission to Mr. Jahleel Brenton, Esq'r, for his continuance as Agent for the Collony confirmed, and £270 of the £600 rate assessed on said Collony, by an Act of Assembly, sitting at Warwick, October 25th, 1699, for the sending an Agent for England, ordered to be paid to said Agent, Mr. Jahleel Brenton, or his order, and there being an absolute necessity for money for the defraying the publick charge of the Collony, and present necessity for a supply of money for the upholding the interest of the Collony :

Be it therefore enacted by this Assembly and the authority

thereof, and it is hereby enacted, That so much of that Act made at Warwick, October the 25th, 1699, prohibiting the employing any part of the £600 levy for, or to any other use than the sending an Agent or Agents for England, shall be repealed, and is hereby repealed, notwithstanding.

Be it further enacted by this Assembly, That £100 of said £600, or the value thereof, in bills, besides what is already ordered for our Agent, Mr. Brenton, shall be kept entire, and not disposed of for any use or uses whatever, till it shall be otherways ordered by this or any other Assembly of this Collony; and what more shall remain of said £600 rate, either in the Governor's or Treasurer's hands, which has not already been otherways ordered, shall be employed for the defraying the necessary charge of the Collony, as occasion shall require, and at the discretion of the Governor, as he shall call for it. And this Act to be, and stand in full force and virtue, any Act, clause or clauses, any ways to the contrary notwithstanding.

Be it enacted by this Assembly, and the authority thereof, and it is enacted by said Assembly, That Joseph Bennett, of Newport, do officiate in the office of High Sheriff, till our late High Sheriff, Thomas Mallett, return and be engaged, or till further order.

Voted, That the Acts already passed at this Assembly, be published at the Collony House, to-morrow morning, at 6 o'clock, by beat of drum.

Voted, That this Assembly be adjourned to the Monday before the Court of Tryalls, in September next, at Newport; without the Governor see cause to call it sooner, or in his absence, or his leave, the Deputy Governor.

Letter from Governor Cranston to the King.

Most gracious and dread Sovereign : Your Majesty's humble and liege subjects of your Collony of Rhode Island and Providence Plantations, &c., having tasted and experienced so largely of your Royall favors, bounty and benignity, with that princely care to preserve and uphold us in peace and quietness in the enjoyment of those privileges, which were granted to us, your Majesty's unworthy subjects in these remote parts, for which we are ever obliged to render all submissive and humble acknowledgment; and in all humility, we do still beseech and humbly pray,

that your Majesty will please to extend and continue your Royall grace and favor unto us, in the continuance of our privileges, according to our Charter, we being a small Collony, distinct from the other Collonies, which our predecessors through much difficulty procured ; having been a poor distressed and persecuted people ; and through the good providence of God, we, with our predecessors have been preserved and wonderfully supported through more than ordinary difficulties and hardships for upwards of sixty years ; although our neighbors have endeavored by all ways and means immaginable to render us obnoxious and contemptible. And not only so, but are endeavoring as they have been, to deprive us of the greatest part, if not all that small portion allotted us by our most gracious Charter, the which hath caused us at this time (by our Agent Jahleel Brenton, Esq'r, your Majesty's Collector in these parts) to appear before your Most Serene Majesty in Councill, or before whom else your Majesty shall appoint, to lay before your Majesty the justness of our cause, and to answer to such things as through envy or malice hath or shall be objected against us ; and also to implore your Majesty's most gracious pardon, for what of weakness hath been committed by us, not doubting but through your princely clemency and justice, to receive a favorable acceptance and fair hearing, and that your poor yet loyall and hearty subjects may always remain under your especial protection, and be only responsible to our Sovereign Lord the King, to make our true defence against complaints, &c.

And most dread Sovereign, in all loyall obedience and bounden duty to your sacred Majesty, we prostrate ourselves and cause at your Majesty's feet, begging your Majesty's gracious pardon for what failure or weakness hath been in us, or that may appear herein, with our hearty prayers to Almighty God to grant your Majesty a long, peaceable and happy reign here on earth and an everlasting crown and happiness in the world to come.

In all humility we subscribe ourselves your Majesty's obliged subjects and supplicants, the Governor and Company of your Majesty's Collony of Rhode Island and Providence Plantations, in America.*

Signed by order of the Generall Assembly,
SAMUEL CRANSTON, Governor

Dated in Newport, in your Majesty's Collony, aforesaid,
May the 18th, 1700.

* J. Carter Brown's Manuscripts, Vol. VI. No. 398.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 29th day of August, 1700.

Major Samuell Cranston, Governor.
Weston Clarke, Recorder.

At a sitting of the Assembly, by speciall warrant from the Governor, on speciall occasion, on Thursday, being the 29th of August, 1700, four days before the adjournment, according to the vote of the said Assembly, upon their adjournment from the 1st of May, 1700.

The Assembly adjourned to 8 o'clock.

August 30.

The Assembly called and full.

Voted, That both Houses be resolved into a Committee for the election of a Generall Attorney.

Mr. John Pocock chosen, [and] positively refused.

Weston Clarke chosen, [and] refused.

John Rhodes chosen, [and] engaged.

John Easton chosen Justice, and engaged.

John Maxson, Jun'r, chosen Justice for Westerly.

An Act for the better preventing transient and non-residents for peddling without paying such charge as shall be by this Act provided, and for the better preventing frauds, and regulating abuses of this Act and Acts of this Collony, provided, &c.

Be it enacted by the Governor, Council and House of Representatives convened, and the authority thereof, and it is hereby enacted, That all and every person now in, or shall hereafter come into this Collony, and not admitted an inhabitant, and freeman of said Collony, shall not peddle or retail any goods or merchandize whatsoever by them imported, or are already im-

ported, or shall be for them imported, untill he give a true and just inventory upon oath, before some Assistant, Justice or Warden, of each respective town where such peddlers shall come, and where the said goods were brought, and to the best of their knowledge to whom they belong; nor untill they shall pay unto the Town Clerk of each respective town in this Collony, wherein such traders shall come, for the use of each respective town, five pounds current money per cent. for all goods so by him or them imported into this Collony, in manner aforesaid, before he be admitted and qualified in manner aforesaid.

And be it further enacted by the authority aforesaid, That if said inventory shall be the cost in England, or Europe, then they shall pay the said tax in, or as sterling money of England; but if the cost of America, it shall be in current money of this Collony.

And it is further enacted, If said traders shall not retail any part of the goods by them imported, or in manner aforesaid, before they have performed every the clauses contained in this Act, they shall, and do by virtue hereof, forfeit all and every their goods by them imported, or shall be imported, in manner aforesaid, to be attached by virtue of this Act, by order of the Governor, or any two Assistants of this Collony, upon the information thereof, on oath, of any two persons in this Collony, before some Assistant of the respective towns in this Collony, or by the knowledge of the authority of the respective towns, aforesaid; and the said attachment to be executed by the Town Sergeant of each respective town where such persons shall come.

And it is further enacted, That every the Sergeants that seize any goods by virtue of this Act, shall take a just inventory, and cause the same to be apprizd by two free-holders of said town where such seizure shall be, within three days after the seizure; and the said Sergeant to make return thereof to the Recorder of this Collony, so soon as possible, in order that they may be confiscated, according to the Acts of this Collony, in said case provided, viz.: one-third to the Governor, one-third

to the informer, one-third to the town where the seizure shall be made; and the said forfeitures for illegally importing any goods into any his Majesty's plantations.

And it is further enacted, That the respective officers, viz.: Town Sergeants that are employed in the premises, shall be paid for their charge and trouble in said seizure, ten shillings in every hundred pounds that shall be by them seized; or at that rate for a greater or lesser sum. But if the said officers shall neglect their duty in the premises, they shall forfeit for the use of this Collony, the sum of ten pounds current money for every neglect.

Nevertheless, it is hereby enacted, That all and every the said traders that shall not sell in said Collony the goods by them imported, or any part thereof, upon oath made thereof, in manner aforesaid, shall have re-paid from the Town Clerk, or Town Treasurer, five per cent. for every the goods by them imported and not sold in said Collony, upon their going out of the same; any Act or Acts, clause or clauses, to the contrary notwithstanding.

An Act to empower the Town Councils of each respective town in this Collony to compell any man that has, or shall marry any woman, being an executrix, to give bond to perform the will of the said testator so far as the estate shall extend; and upon his neglect or refusall, to commit him to his Majesty's jail, in this Collony, untill he shall give bond, with two sureties, &c.: as also to compell executors to account before said Town Councill for the goods, chattels, and moveable estate of the testator, upon complaint of a legatary, or any other that hath an interest in the said estate.

Be it enacted by the Governor, Councill and House of Representatives convened, and the authority thereof, That if any man have, or shall marry any woman executrix, wherein any other person hath an interest, by the will of the testator, he shall give in bond, with two sufficient securities, to perform the will of the testator, so far as the testator's estate shall extend. But if the said person shall refuse, or not give bond, as aforesaid, upon the request of said Councill, then the said Town

Councill to committ him to his Majesty's jail untill he shall give in bond, as aforesaid, to the Town Councill, where he shall abide or reside.

Also be it further enacted, That if any executor shall refuse or neglect to appear and fully account before the Town Councill, upon the complaint of a legatory, or any other, that hath an interest by the will of the testator, he shall for his first neglect, be fined for his first contempt therein, not exceeding five pounds current money ; and for the second neglect, not exceeding ten pounds, and not less than five pounds ; to be levied by Town Sergeant on the goods of the executor so refusing, by virtue of a precept from said Councill to the said Town Sergeant for the same, for the use of the poor of the respective town.

Be it further enacted, That if he shall refuse or neglect the third time, that he shall be summoned to account before the said Town Councill, and it shall be lawfull by this Act, to commit the said persons that shall so refuse or neglect, to his Majesty's jail, untill he give in security to account before the ordinary, being the Town Councill, in one month after the said commitment, or when he shall be thereunto called by the aforesaid Town Councill ; any Act or Acts, clause or clauses to the contrary notwithstanding.

An Act for the settling a Constable's watch in every respective town in this Collony, and for punishing those that shall neglect the same.

Be it enacted by the Governor, Councill and House of Representatives, It shall and may be lawfull for the Governor, Deputy Governor, or any two Assistants, or Justices for their respective town to issue forth their warrant to the respective Constables of their towns, to summons in the house-keepers and any other person, that shall reside in any town in this Collony, for the space of a month, not being servants, &c., to watch, or send some sufficient person to watch for them ; and each of them as the Constable shall require them, on the forfeiture of each person neglecting two shillings for every their neglect. But if the persons so neglecting, will not wil-

lingly pay for their neglect, then the respective Constables to make complaint to some Assistant or Justice of their respective town, who shall issue forth his warrant for distraint, with sixpence more than the aforesaid two shillings fine, which shall be to defray the charges on the distraint ; any Act to the contrary notwithstanding.

An Act for the putting in execution the laws of England in this Collony, where no provision be made by the Acts of this Collony.

Be it enacted by the authority aforesaid, That where the laws of this Collony or custom shall not reach or comprehend any matter, cause or causes, that it shall be lawfull to put in execution the laws of England, &c. ; any Act or Acts, to the contrary notwithstanding.

Voted, That the Acts of this Assembly not yet published, be published under the Seal of the Collony, to-morrow morning, at eight of the clock, at the Collony House, by beat of drum ; and that the whole Assembly's Acts be transcribed into copies, and sent to each town in the Collony, according to law, by the Recorder ; and he to be paid out of the Generall Treasury the sum of thirteen shillings for each copy : and upon the passing this as an Act, that this Assembly be dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 29th day of March, 1700-1701.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

At a Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, called by a speciall warrant from the Honored Governor, Samuell Cranston, Esq'r, bearing

date the 20th February, 1700, sitting in Newport the 29th March, 1700-1.

The Assembly taking into mature consideration the great necessity of raising a fund of money for the paying the Collony's debts and defraying of the publick charge, that may arise in said Collony, &c.:

Be it enacted by the Governor, Councill and House of Representatives convened, and the authority thereof, and it is hereby enacted, That by virtue hereof, there is a rate made and to be assessed on the inhabitants of said Collony, for the sum of £400, current money of this Collony, to be proportioned and ordered, viz.:

Newport,	-	£112 10s.	Kingstown,	-	£61 10s.
Providence,	-	65 00	Greenwich,	-	13 00
Portsmouth,	-	20 00	New Shoreham,	-	12 00
Warwick,	-	23 00	Jamestown,	-	19 00
Westerly,	-	24 00			

All and every the abovesaid proportions to be paid unto the Generall Treasurer, in manner and form following, that is to say: Two hundred pounds current money on or before the last day in June, ensuing the date hereof; and two hundred pounds current money, on or before the 20th day of October next, ensuing the date hereof.

And for the more effectuall proceeding, collecting and paying the same in manner aforesaid, it is hereby enacted, That the respective Assistant or Assistants, Justice or Justices, Conservator or Conservators, Warden or Wardens, shall proceed to the choice of persons to inspect as well as rate makers, forthwith on the publication of this Act, according to an Act of Assembly, passed at Warwick, the 25th of October, 1699; and that warrants be issued forth according to the above-recited Act in October, 1699, reference thereunto being had, for the gathering the abovesaid two hundred pounds payable in the last day of June next ensuing; and that warrants issue forth for the same, at or before the second Tuesday in June next ensuing; and that warrants issue forth in manner aforesaid, for the gathering the two hundred pounds, payable on the 20th of

October next, according to the above-recited Act, and warrants issue out for the same on or before the first Tuesday in September next ensuing the date hereof. And if any defect or neglect, then the Generall Councill to proceed according to the before-recited Act, passed at Warwick, &c.; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

This Assembly have for a Generall Audit of the Collony, appointed Isaac Martindale, for Newport; William Hopkins, for Providence; John Anthony, for Portsmouth; Benjamin Barton, for Warwick; Joseph Clarke, for Westerly; Andrew Willett, for Kingstown; Joshua Raymond, for Shoreham; Thomas Fry, for Greenwich; Edward Carr, for Jamestown; the said Audit to meet the first Tuesday of May next, at Newport, and so to adjourn from time to time as they shall find occasion, untill the 15th of June next; and then to finish what they or the major part shall agree upon, [and which] shall be authentick to all intents and purposes.

And it is further ordered, That each town shall pay the person so appointed, three shillings per day, each.

It is ordered, That the Recorder shall forthwith send copies of this Assembly's Acts, to the severall towns in the Collony, under the Collony Seal, by the 15th of April next; and for each copy to be paid four shillings money, out of the Generall Treasury.

Voted, Mr. Giles Slocum, Assistant, being called before this Assembly, for unlawfully marrying of Thomas Simson, and the late Elizabeth Rementon, and being desired to acknowledge his fault for the unlawfull marriage, positively refused to own it as aforesaid; whereupon, this Assembly see just cause to suspend the said Giles Slocum for acting as an Assistant in this Collony, till the next Election.

This Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, May the 6th, 1701.

Major Samuel Cranston, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Capt'n Robert Carr,
Mr. Isaac Martindale,
Mr. Joseph Williams,
Major William Hopkins,
Capt'n Joseph Sheffield,

Mr. Benjamin Barton,
Mr. Benjamin Smith,
Mr. Jeoffrey Champlin,
Mr. John Eldridge.

DEPUTIES.

For Newport.

Major John Coggeshall,
Mr. Benjamin Arnold,
Capt'n Jonathan Holmes,
Capt'n John Rogers,
Mr. Jeremiah Clarke,
Lieut. Nathaniell Sheffield.

For Providence.

Mr. Gideon Crawford,
Mr. William Randall,
Mr. Eleazer Whipple,
Mr. Eleazer Arnold.

For Portsmouth.

Mr. Giles Slocum,
Mr. John Ward.
Mr. Daniell Pearse,
Mr. Benjamin Hall.

For Warwick.

Capt'n Peter Greene,
Lieut. James Carder,
Mr. Randall Holden,
Mr. Samuel Wickham.

For Westerly.

Capt'n James Babcock,
Mr. Peter Crandall.

For James Towne.

Mr. Ebenezer Slocum,
Mr. Joseph Mowry.

For East Greenwich.

Capt'n Thomas Fry,
Mr. Henry Matteson.

For Kings Town.

Mr. Thomas Mumford,
Mr. George Hassard.

Major William Hopkins, Capt'n Joseph Sheffield, Assistants,

Major John Coggeshall, Mr. Benjamin Arnold, Capt'n Peter Greene, Mr. Gideon Crawford, are appointed to receive the votes, and open the proxcive votes at the Election.

Samuell Perry, and John Dexter, of Kingstown, are admitted freemen of the Collony.

Richard Higgins, John Segars, Leavy Presen, Edw. Thurston, Jun'r, Francis Carr, John Scott, John Brown, Joseph Fry, Sion Arnold, John Holmes, Jun'r, William Coddington, Joseph Holmes, Henry Tew, Jun'r, James Brown, Joseph James, Geo. Hicks, James Carr, William Wood, James Clarke, Jun'r, Joseph Peckham, Robert Hicks, Benjamin Coggeshall, Thomas Lillibrick, all of Newport, accepted freemen of the Collony.

Benjamin Tillinghast, Joseph Tillinghast, Peleg Williams and Benjamin Waterman, Samuell Winsor, Jun'r, Benjamin Brier, Richard Brown, John Olney, James Dexter, Noah Whipple, William Jenks, Jonathan Sprague, Jun'r, Eleazer Arnold, Jun'r, Samuell Comstock, Samuell Wilkinson, Jun'r, Edward Jenman, Jun'r, John Belenday, Eleazer Whipple, Jos. Morey, John Morey, Henry Adenss, Thos. Steere, Samuell Aldreg, John Aldreg, Andrey Harris, Elisha Smith, Joseph Arnold, Thomas Arnold, Jun'r, William Randall, Jun'r, Thomas Burlingham, Roger Burlingham, John Brenton, John Potter, Jeremiah Sheldon, all of the town of Providence, admitted freemen of the Collony.

At the Generall Assembly and Election held for the Collony at Newport, the 7th of May, 1701.

GOVERNOR.

Major Samuell Cranston.

DEPUTY GOVERNOR.

Mr. Walter Clarke.

ASSISTANTS.

Capt'n Robert Carr,

Mr. Isaac Martindale,

Mr. Joseph Williams,

Major William Hopkins,

Capt'n Joseph Sheffield,

Mr. Benjamin Hall,

Mr. Benjamin Barton,

Mr. Benjamin Smith,

Mr. Joseph Hall,

Mr. Edward Greenman.

RECORDER.

Weston Clarke.

SHERIFF.

Thomas Mallett.

GENERAL TREASURER.

Lieut. John Holmes.

GENERAL ATTORNEY.

Mr. John Pocock.

MAJOR FOR THE ISLAND.

Major Henry Tew.

MAJOR FOR THE MAINE

Major John Dexter.

The following were chosen Justices of the Peace.

JUSTICES OF THE PEACE.

Mr. Jonathan Holmes,

Capt'n John Rogers,

Mr. Jonathan Sprague,

Lieut. Joseph Jencks,

Mr. Gideon Crawford,

Mr. John Burden,

Mr. Randall Holden,

Mr. Joseph Clarke,

Capt'n William Champlin,

Mr. Peter Crandall,

Mr. William Hall,

Mr. Thomas Fry,

Mr. John Spencer.

The Deputies chosen by the several towns, to sitt in this Assembly, are the same as is before mentioned.

Mr. James Clarke, is chosen Packer and Sealer of and Measures.

This Assembly having considered the great charge our Honored Governor is in, in supporting the interest of his Majesty's subjects in this Collony :

Do enact, and it is by the authority of this Assembly enacted, That there shall be ten pounds annually added to the former sallary yearly allowed to the Governor ; which said sallary amounts to forty pounds per year ; any act to the contrary notwithstanding.

An Act for the better regulating the militia, and for punishing offenders as shall not conform to the law thereunto relating.

Be it enacted by the Governor, Councill and House of Representatives in this present sessions assembled, and by the authority thereof it is hereby enacted, That after the publication of this Act, that if any person or persons listed under the command of any Captain or commander in chief of the militia, shall or do not appear complete in arms, viz. : with a good or sufficient muskett or fuse, and sword or bagganett, cotouch box or bandelears, with twelve bullets, fit for his piece, half a pound of

powder, six good flints upon the ——— training days all ready prefixed, as when their respective Captain or commander in chief shall call them together, either by alarum or any other time or times, as shall by their said commander [be] thought fit and expedient for his Majesty's interest, during times of war. And if any persons listed, &c., shall neglect their respective duties and due obedience, and not appear in manner aforesaid, [they] shall forfeit for each neglect for the day appointed for training or other meeting in arms, the sum of two shillings in money, with the due fees arising thereon; and for non-appearance or neglect in any alarum, the sum of five shillings, with the due fees arising thereon, to be taken by distraint, or otherwise, as the fine for non-appearance on the respective training days are to be taken.

And in case any person or persons that shall through his neglect be fineable as aforesaid, shall refuse or neglect to pay his or their fines upon demand of such person or persons as shall be thereunto authorized thereunto, and there be no visible estate to be found of said person or persons so refusing or neglecting, whereby to make distraint on, then it shall be lawfull upon complaint and information given to any one Assistant Justice of the Peace, or Warden, Conservator for them, or either of them, upon complaint as aforesaid, to issue forth their warrant to any Constables or other person to apprehend, and bring before them any such person or persons as shall refuse or neglect to pay their fines as aforesaid. And if there be no visible estate appears, whereby to make distraint on as aforesaid, and if it shall so appear to any said Assistants, Justices, Conservators or Wardens, that any person or persons brought before them, have so refused or neglected as aforesaid, and that there be no visible estate to be found by said officer, whereby to make distraint, that then Assistants, Justices, Conservators or Wardens, shall have full power and authority to commit him or them to his Majesty's jail, if he will not consent to work out his said fine or ransom themselves, by paying their respective fines, with all other charges that shall thereon accrue.

And it is further enacted by the authority aforesaid, That

all persons within this Collony, above the age of sixteen, and under the age of sixty years, as well house keepers as others, shall be obliged to watch or ward, or find or procure a sufficient man to watch or ward, upon legall notice given to any of them by the Captain or commander in chief to watch; and by the Governor, Deputy Governor, Assistants, Conservators and Wardens of the respective towns to ward, the warders to be such persons as are not in the Captain's list. And the said persons appointed to watch do at all times and upon all occasions observe and follow such order and instructions as they shall from time to time receive from the respective head officer, as aforesaid. And if any person shall refuse or neglect to watch and follow such orders as upon legall notice given as aforesaid, he or they so neglecting or refusing, shall pay as a fine the sum of five shillings in money, to be taken and imprisoned in manner and form as the fines for neglecting of training or alarum are taken and proceeded in.

And it is further enacted by the authority aforesaid, That all house keepers, as well widows as others, although there be no person in said family that is qualified according to law as to watching and warding, yet nevertheless, it shall be in the power and authority of the Captain, commander or head officer, as aforesaid, at their discretion, to order the said house keeper to find a sufficient watcher or warder, or to pay so much money as will hire or procure one; and upon neglect or refusall thereof, to be under the like fine and penalty as those who are otherwise fineable for their neglect.

And it is further enacted by the authority aforesaid, That the Governor, Deputy Governor and Assistants, with the Justices and commissioned officers on the Island, they, or the major part of them; always provided, the Governor, Deputy Governor, or any two Assistants be present, shall be a Councill of War, to determine all things relating to the militia on the Island; and that the Assistants, Justices, Conservator, with the Major and the rest of the commissioned officers on the maine, or the major part of them; always provided, two Assistants be present, shall be a Councill of War, on the main land, within

this Collony, and to determine all things relating to the militia on the main land.

Be it further enacted, That the respective Captains and commissioned officers of each respective Company or Train Band in this Collony, have full power and authority during alarums, or upon any other occasion whatsoever, to punish any private sentinall that shall misbehave himself, with tying him neck and heels ; or riding the wooden horse ; or a fine, not exceeding four shillings ; at the discretion of said commissioned officer.

Notwithstanding the afore-recited Acts relating to the militia, it shall be in the power and authority of the Captain and commissioned officers of each respective Train Band in this Collony, if any person, as they shall judge, [is] really conscientious, being within their list, and that they cannot bear arms, in time of alarums, and that if said persons being so conscientious, be any ways serviceable in making discovery, or riding upon any expedition, or any thing else that may be judged convenient for the preservation of his Majesty's interest, it shall be then in the power of said Captain or commissioned officer as abovesaid, to remit the fine or fines imposed for their not appearing in arms, according to the afore premised Act.

This Assembly taking into their consideration the putting in force an Act for raising a troop of horse on Rhode Island ; and also on the main land within this Collony, and for the encouragement of all persons that are willing to list themselves in said troops ; and to accoutre themselves with horses and furniture suitable for his Majesty's service, with carbine and pistol, &c., shall be excused from any other duty in militia exercise or authority of the same, any further than to be allways in readiness to appear upon all occasions of alarums, or otherwise, according to such orders as they shall from time to time receive from the Governor, or Major of the Island and main land, or such others as they shall appoint ; and to observe the same accordingly.

And that those who shall list themselves under the com-

mand of the respective Train Bands, in case of any neglect, and for the more speedy completing and raising said troop, all persons that are free to list themselves, as aforesaid, are ordered to give in their names to the Governor or Major on the Islands, and to the Major on the main; so that when they find there is a suitable number, not exceeding fifty persons for each troop, the said persons so listing themselves, may have liberty to make choice of their own commander, as other military men have within this Collony.

And be it further enacted by the authority aforesaid, That the Governor shall give such ample commissions to such commander or commanders, as shall be most suitable for preservation and defence of his Majesty's Collony; and the said commander or commanders to follow such orders and instructions for the orderly management and accoutrement of said troops as they shall from time to time receive from the Governor or Majors as aforesaid. But in case there be not such a suitable number as the Governor and Majors shall think convenient listed, and choice made of their respective commanders by the last of June next, then it shall be in the power of the Governor, with the advice of the Major and Assistants on the Island and the Major and Assistants on the main land, to make choice of Captains for the troops with the advice and consent of the Governor; and that the Governor and Majors, with the Assistants as aforesaid, shall have full power to use such other means and ways for the raising said troops as they shall think convenient for his Majesty's service and the safety of the Collony.

And it is further enacted by the authority aforesaid, That the Major on the Islands and the Major on the main, with the advice of the Governor, shall, with what expedition can conveniently be, cause a generall muster to be made of the forces under their commands, and take care that all persons be provided with arms and ammunition, according to the Acts of this Collony; and these Acts to be published at the head, and in the presence of said forces being so mustered.

It is further enacted, That all fines and forfeitures that shall

arise upon persons neglecting in training and watching, shall be disposed of by the commissioned officers of each respective company, to provide drums, colors, ammunition, &c. And the fines that shall be from the warders, to be disposed of by the Governor and Assistants for repairing of ward houses or other conveniences for his Majesty's service.

An Act for stating of fees in all actions determinable before the Governor, Deputy Governor, Assistants, Justices, Conservators, Wardens, &c., of the severall towns in this Collony.

Be it enacted by the Governor, Councill, and Representatives, and the authority thereof, and it is therefore enacted, That the Governor, Deputy Governor, Assistants, Justices of the Peace, Conservators or Wardens of their respective towns, shall by virtue of this Act, have as fees or bill of costs, in all actions not exceeding forty shillings, determinable and to be determined before them, from all persons, either plaintiff or defendant, &c., that on their respective cases contained, or judgment doth by the authority aforesaid, pass against, viz.:

For a warrant or writ,	-	-	-	01s. 0d.
For each summons or evidence, in said case,	-			01 0
For judgment,	-	-	-	02 0
For bond for the peace, or good behaviour,	-			02 6

And be it further enacted, That every Constable within this Collony, in all actionall cases of meum and teum, shall have for serving each writ, one shilling. Always provided, that the said person so complained of, if judgment shall pass against him; or if judgment shall pass against the plaintiff. If the person apprehended or arrested, shall live above one mile distant from the Constable, then the said Constable to have above said shilling, two pence per mile forth and back; and the Constable to have for summonsing each person to give evidence, six pence. If said person shall not live above one mile, then the Constable to be paid as aforesaid; any Act to the contrary notwithstanding.

An Act for preventing unlawfull marriages.

Be it enacted by this Assembly and the authority thereof,

and it is hereby enacted, That all persons in this Collony that are desirous to be joined together in marriage, shall, after the publication of this Act, make their application to some person in authority, within the township where they dwell, who shall give them a publication in writing, under his hand and seal; the which publication shall be set up in some public place in the town where they dwell; which shall so remain for the space of fourteen days, in order that if any person have any objection against said marriage, they may have leave of the authority; first giving bond to answer all damages under written [in] such publication.

And it is further enacted, That all persons coming out of any government or out of any town to another, in order to be joined together in marriage by any in authority, they shall then in such cases bring with them a certificate from some person in authority in the government or place where they dwell, that they have been lawfully published for the space of fourteen days as aforesaid, if within the Collony; but otherwise, shall produce a certificate from the authority of the government from whence they came, that they are clear from all others; and have complied with such laws and orders as are in force for publication.

And it is further enacted, That if any person in authority within this Collony shall presume to join any persons together in marriage, that have not been published as aforesaid, or that publication be under write according to law, the officer so offending shall forfeit for the first offence, five pounds in money; for the second offence shall forfeit ten pounds in money, for the use of the Collony, and suspended his office; he being duly convicted thereof before his peers.

And it is further enacted, That if any persons shall presume to take themselves in marriage, or be joined together in marriage within this Collony, that have not first been published according to this Act, or produce a certificate from the government from whence they came, as aforesaid, or that have been under writ by any person, the person or persons so offending, shall forfeit as a fine to the Collony the sum of five pounds in

money, or be imprisoned three months in the common jail, or suffer corporal punishment not exceeding thirty-nine stripes on his naked back, at the publick whipping-post; any Act or Acts to the contrary notwithstanding.

An Act for supporting the Governor in the performance of his engagement to the Acts of Navigation, &c.

Be it enacted by this Assembly and the authority thereof, That from and after the publication of this Act, no master of any ship or vessell, coming into this harbor of Newport, or any bay or river within the bounds of this Collony, shall presume to land or put on shore any money, or goods, wares or merchandize, before he hath made his report to the Governor of the Collony, or in his absence, the Deputy Governor; and lawfully entered in the Collector's office, upon the penalty made by an Act of Parliament in the the fourteenth and fifteenth year of King Charles the Second, for the preventing of frauds, and regulating abuses, in the plantation trade.

And it is further enacted, That no such master as aforesaid, shall land or bring on shore any passenger but shall give the Gov'r an account thereof, not to carry off nor out of this Collony any persons that are allowed inhabitants in any town in said Collony, or known seamen, without permit from the Governor, Deputy Governor, or any two Assistants of this Collony, upon the forfeiture of fifty pounds current money; for which all masters shall give bond in the Secretary's office. And upon forfeiture thereof, being duly convicted according to law, to be taken from any such master or masters by the Sheriff of the Collony; one-third part of said forfeiture to the Gov'r of the Collony, one-third to the Sheriff, and informer, and the other third part to be delivered to the Treasurer of the Collony for the use of the Collony; any Act or Acts in any wise to the contrary notwithstanding.

And it is further enacted by the authority aforesaid, That no person or persons within this jurisdiction or Collony, shall presume to go on board any ship or vessell coming into this harbor of Newport, or any bay or river within this Collony, aforesaid, without permit from the Governor, Deputy Governor,

or any two Assistants, in said Collony, upon the penalty of forty shillings, or imprisonment, at the discretion of the Governor, Deputy Governor, &c. And upon due proof thereof, the said fine of forty shillings to be taken by a warrant to any one Constable from the Governor, &c. Always provided, the King's Collector, or Deputy Collector, with the Port Master, be excepted, who are permitted at all times, with such persons as they shall think convenient, not exceeding six persons, at the most, to manage such boat as he or they shall see cause to make use of. Always provided, they follow such orders and instructions as they shall from time to time receive from the Governor.

And it is further enacted, That the Governor of this Collony shall have the Secretary's office for taking of bonds for the performance of the above-recited Act, for the preventing of any persons being transported or imported, or to appoint such persons as he shall think fit. And that the Governor of this Collony shall have full power to set up a Navall Office for his Majesty's service and his own security, the table of fees, to be stated by the Generall Council.

And be it further enacted, That whereas, there are severall persons that are traders from foreign parts, that doth come to trade in this Collony, with severall sorts of merchandize, to the great detriment of such merchants as live here and are settled, and have their residence now here, all such merchants so coming, or others whatsoever, that doth reside in the Collony for term of one month, shall be liable to all such rates and duties that shall be raised on those persons and goods as others his Majesty's subjects of this Collony, is or may be at, as the authority of this Collony shall in reason think fit.

Be it further enacted and ordained, That there shall be one appointed to take care of his Majesty's fortifications in this town of Newport; and he that is chief officer shall have one or more under him, according as the case requires, to aid him; and that he might have a reasonable sallary allowed him; and that he, the said officer, shall, when any topsail vessell shall come in sight hoist his Majesty's flag in the fortification, and if the said ship or vessell when she comes open with the harbor doth not

strike or lower his or her topsail, that the said officer or any under him, shall fire a shot afore his fore foot ; and if the said ship or vessel shall not then strike her topsail, then the said officer, &c., shall fire another shot between the said ship or vessel's masts, or as near as he can over said ship or vessel ; and if they strike not then her topsail, the officer shall do his endeavor to sink her. But if said ship or vessel do strike, or lower at the first shot, the master of said ship or vessel shall pay for the first shot six shillings, eight pence ; and for the second, thirteen shillings, four pence ; and for third, it shall be accounted presumption, and shall suffer what punishment the authority of the place shall think fit, either in person or goods.

And it is further enacted, That the Governor shall have full power to commissionate such officer ; and in case of neglect, or misdemeanor, in said officer, to remove him and put another in his room.

And it is further enacted, That the Act made at Portsmouth the 16th day of September, 1690, for all masters of vessels, from the burden of ten tuns and upwards, shall pay one shilling per tun, or one pound of powder, is continued, and shall be in full force and virtue ; and the said money or powder shall be paid into the Secretary's office, for the use of his Majesty's fortifications, in the town of Newport, before they have any clearing out of the severall offices ; and the said officer to have for his fees the sum of two shillings on the pound ; any Act in the Collony to the contrary notwithstanding.

It is ordered by this Assembly, That the deed of Portsmouth Neck, which is now in the possession of the Governor, by order of a former Act of Assembly in this Collony, shall be delivered into the hands of Mr. Jeremiah Clarke and Samuell Cranston, Esq'r, to whom it doth belong.

In answer to the petition of John Davis, of Westerly :

It is enacted by this Assembly, That the said John Davis shall be allowed the reasonable charge that he hath been at for himself and aid, being carried prisoners to Connecticut, out of the Generall Treasury ; and that the Governor appoint some ju-

dicious person to assist them at Connecticut, who shall be paid for his service out of the Generall Treasury, what shall be thought reasonable by the Generall Councill.

Ordered, That the Acts of this Assembly shall be published under the seal of the Collony, forthwith, at the Collony House, by beat of drum ; and that the whole Assembly Acts be Transcribed into copies, and sent to each town in this Collony, within twenty days after the dissolution of this Assembly by the Recorder ; and he to be paid out of the Generall Treasury, the sum of six shillings for each copy, and upon publication of this Act of the Assembly is dissolved.

[There are no records of any other sessions of the Generall Assembly for the year 1701.]

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 24th of March, 1702.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

At a Generall Assembly of his Majesty's Collony of Rhode Island and Providence Plantations, held at Newport, the 24th of March, 1701-2, called by a speciall warrant from the Honorable Samuell Cranston, Esq'r, Governor, to the Sheriff of said Collony, bearing date the 19th of February, 1701-2.

Voted, Whereas Walter Newbury, of the town of Newport, deceased, did in his last will and testament make his wife, Ann Newbury, his Executrix to said will, and in said will did give and bequeath to his children, eight in number, a hundred pounds apiece ; and in his said will did say and advise, as followeth :

All the remainder of my estate, both reall and personall, I give unto my beloved wife, Ann Newbury; and the said Executrix having made legall proof and approbation before the Ordinary or Town Councill of Newport, that she, the said Executrix, had made disposition of all the personall estate, for payment of debts, which hath not fully acquitted the same; and she, the said Executrix, being desirous to fulfill her husband's will, to pay the legacies, &c., as given in said will and the words being mentioned in said will to her given, without the words her heirs and assigns, it hath much hindered the advantage of advancing the said reall estate, as houses, warehouses, &c., on sale thereof. Therefore for the better enabling of said Executrix for the sale of the said estates, to pay the legacies and performing the intent of said will, that the legacies may be paid:

It is enacted by this present authority, [and] be it enacted, That the said Ann, the said Executrix, hath full power and authority given her to make sale of all, or any part of said reall estate which shall remain to the buyer thereof, on deed given, with warranty on the sale thereof, [and that it] shall be as firm and binding in the law, whereby the Executrix's deeds is so given, as if the words had been in said will; allso given to her, the said Executrix, and her heirs and assigns, forever.

Voted, That a rate or tax, be assessed on the inhabitants of this Collony, for the full sum of two hundred pounds in money, and that by virtue hereof, the respective officers of each respective town in said Collony, do proceed to the assessing, gathering and paying into the Generall Treasury of said Collony the aforesaid sum, according to an Act of Generall Assembly passed at Warwick, the 25th day of October, 1699, and that the same be proportioned on the inhabitants of each respective town proportionably, according to the afore-recited Act.

And be it further enacted, That the aforesaid assessment be paid into the Generall Treasury of said Collony, at or by the last day of June next ensuing the date hereof; and that the same be improved for the use and benefit of said Collony, according to the discretion of the Governor and Councill of said Collony;

and that an account of the disposition thereof be from time to time given to the successive Generall Assemblys of said Collony.

And be it further enacted, That an Act, entitled, None to oppose Generall Assemblys' Acts, be by virtue hereof, repealed and made null and void.

And also be it further enacted by the authority aforesaid, That a certain clause in an Act of Generall Assembly, passed in Newport, May 7, 1701, for the imprisoning the defective persons that shall neglect training or appearing in exercise on the respective training days, by law prefixed, be repealed, made null and void; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 5th of May, 1702.

Major Samuell Cranston, Governor.

Walter Clarke, Deputy Governor.

ASSISTANTS.

Capt'n Robert Carr,
Capt'n Isaac Martindale,
Mr. Joseph Williams.
Major William Hopkins,
Capt'n Joseph Sheffield,

Mr. Benjamin Hall,
Mr. Benjamin Barton,
Mr. Benjamin Smith,
Mr. Joseph Hull,
Capt'n Edward Greenman.

DEPUTIES.

For Newport.
Capt'n Jonathan Holmes,
Mr. Benedict Arnold,
Mr. Jeremy Clarke,

Capt'n Nathaniel Sheffield,
Lieut. John Holmes,
Mr. Thomas Gould.

DEPUTIES.

For Providence.

Mr. Nathaniell Waterman,
 Mr. Gideon Crawford,
 Mr. Joseph Whipple,
 Mr. Samuel Comstocke.

For Portsmouth.

Mr. George Sisson,
 Mr. Isaac Lawton,
 Mr. George Brownell,
 Capt'n Robert Lawton,
 Mr. Richard Greene,

For Warwick.

Mr. John Rhodes,
 Mr. Israell Arnold,

Mr. John Warner, Jun'r,

For Westerly.

Mr. Joseph Clarke,
 Mr. William Gibson.

For Kings Towne.

Mr. Stephen Hassard,
 Mr. George Hassard.

For James Town.

Mr. Edward Carr,
 Mr. Jonathan Marsh,

For East Greenwich.

Capt'n Thomas Fry,
 Mr. Pardon Tillinghast.

Capt'n Jonathan Holmes, chosen Speaker of the House of Deputies, and Mr. Edward Carr, Clerk of the House.

The Houses resolved into a Committee.

Thomas Spencer, Hugh Baily, Thomas Briggs, Joseph Weaver, and William Underwood, are accepted and made freemen of the Collony.

Capt'n Robert Carr, and Capt'n Joseph Sheffield, appointed to open the proxies.

Mr. Benedict Arnold, Mr. Nathaniell Waterman, Mr. Isaac Lawton, and Mr. Richard Greene, appointed to receive the votes and put them into the hat.

At the Generall Assembly and Election held at Newport, the 6th of May, 1702.

GOVERNOR.

Samuel Cranston.

DEPUTY GOVERNOR.

Walter Clarke.

ASSISTANTS.

Capt'n Robert Carr,

Capt'n Isaac Martindale,

Mr. Joseph Williams,

Major William Hopkins,

Capt'n Joseph Sheffield,

Capt'n Robert Lawton,

Mr. Benjamin Smith,

and that an account of the disposition thereof be from time to time given to the successive Generall Assemblys of said Collony.

And be it further enacted, That an Act, entitled, None to oppose Generall Assemblys' Acts, be by virtue hereof, repealed and made null and void.

And also be it further enacted by the authority aforesaid, That a certain clause in an Act of Generall Assembly, passed in Newport, May 7, 1701, for the imprisoning the defective persons that shall neglect training or appearing in exercise on the respective training days, by law prefixed, be repealed, made null and void ; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 5th of May, 1702.

Major Samuell Cranston, Governor.

Walter Clarke, Deputy Governor.

ASSISTANTS.

Capt'n Robert Carr,
Capt'n Isaac Martindale,
Mr. Joseph Williams.
Major William Hopkins,
Capt'n Joseph Sheffield,

Mr. Benjamin Hall,
Mr. Benjamin Barton,
Mr. Benjamin Smith,
Mr. Joseph Hull,
Capt'n Edward Greenman.

DEPUTIES.

For Newport.
Capt'n Jonathan Holmes,
Mr. Benedict Arnold,
Mr. Jeremy Clarke,

Capt'n Nathaniel Sheffield,
Lieut. John Holmes,
Mr. Thomas Gould.

DEPUTIES.

For Providence.

Mr. Nathaniell Waterman,
 Mr. Gideon Crawford,
 Mr. Joseph Whipple,
 Mr. Samuella Comstocke.

For Portsmouth.

Mr. George Sisson,
 Mr. Isaac Lawton,
 Mr. George Brownell,
 Capt'n Robert Lawton,
 Mr. Richard Greene,

For Warwick.

Mr. John Rhodes,
 Mr. Israell Arnold,

Mr. John Warner, Jun'r,

For Westerly.

Mr. Joseph Clarke,
 Mr. William Gibson.

For Kings Towne.

Mr. Stephen Hassard,
 Mr. George Hassard.

For James Town.

Mr. Edward Carr,
 Mr. Jonathan Marsh,

For East Greenwich.

Capt'n Thomas Fry,
 Mr. Pardon Tillinghast.

Capt'n Jonathan Holmes, chosen Speaker of the House of Deputies, and Mr. Edward Carr, Clerk of the House.

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At the Generall Assembly and Election held at Newport, the 6th of May, 1702.

GOVERNOR.

Samuel Cranston.

DEPUTY GOVERNOR.

Walter Clarke.

ASSISTANTS.

Capt'n Robert Carr,

Capt'n Isaac Martindale,

Mr. Joseph Williams,

Major William Hopkins,

Capt'n Joseph Sheffield,

Capt'n Robert Lawton,

Mr. Benjamin Smith,

ASSISTANTS.

Mr. Benjamin Barton,
Mr. Joseph Hull,
Mr. George Hassard.

RECORDER.

Mr. Weston Clarke.

SHERIFF.

Mr. Thomas Mallet.

GENERAL ATTORNEY.

Mr. Nathaniel Dyre.

MAJORS.

Capt'n Isaac Martindale,
Major John Dexter.

JUSTICES.

For Newport.

Capt'n Jonathan Holmes,
Capt'n John Rogers.

For Providence.

Major John Dexter,
Gideon Crawford,
Jonathan Sprague.

For Portsmouth.

Mr. George Sisson.

For Warwick.

Randall Holden.

For Westerly.

Joseph Clarke,
William Champlin,
William Gibson.

For Kings Town.

Stephen Hassard,
William Hull.

For East Greenwich.

Thomas Fry,
John Spencer.

Mr. Stephen Arnold, of Pawtuxet, appealing from the verdict of jury and judgment of the Court of Tryalls, to this Assembly, for their judgment therein, and he not putting in his plea according to law, petitioned this Assembly for a rehearing of said case at the Generall Assembly, in October next; but plaintiff and defendant agreeing to come to a tryall at this Assembly, it is admitted and allowed of, upon their unanimous consent. The Assembly hearing plea on both sides, and all their papers and writings read, after some debate of the matter in both Houses, it was enacted as followeth, viz. :

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That whereas the said Stephen Arnold did receive a deed of lands in or about Pennagansett, from Zachariah Rhodes, of Pawtuxett, that he, the said Stephen Arnold, shall give a quit claim or release to said Rhodes of any or all the right to said deed, or by virtue of the said deed, so that the aforesaid Rhodes may be in the same capacity he was in before, and untill the signing of the aforesaid deed; any Act or Acts to the contrary notwithstanding.

And that the aforesaid Zachariah Rhodes shall return the twenty and five pounds forthwith, unto the aforesaid Stephen Arnold, that he the said Rhodes received of said Arnold, in consideration of the aforesaid deed; and that the aforesaid Arnold shall pay unto the aforesaid Zachariah Rhodes, the sum of twenty pounds forthwith, according to the verdict of jury and judgment of the aforesaid Court.

An Act for the building and erecting a fortification or battery in some convenient place near the harbor of Newport.

Be it enacted by the Governor, Assistants and House of Representatives convened in Generall Assembly this 6th of May, 1702, and be it thereby enacted, That for the better defence of his Majesty's interest and good subjects, against any publick enemy that shall endeavor to invade or assault his Majesty's subjects in this Collony, there shall be a fortification or battery built at the charge of this Collony, in some convenient place near the harbor of Newport, aforesaid, sufficient to mount therein twelve pieces of ordinance, or cannon.

And be it further enacted, That the Governor, and Generall Councill, or any four of them, shall by virtue hereof, have full power to appoint the place that to them shall seem most convenient for the defence aforesaid, and with as reasonable charge as said emergency shall or may require.

An Act for the preventing the Recorder of this Collony from being an attorney in law.

Be it enacted by the Governor, Assistants, and House of Representatives in Generall Assembly, this 6th of May, 1702, and be it thereby enacted, That after the publication of this Act, the Recorder of this Collony shall not be an attorney in any case whatsoever, except it shall be in his own case; or in the behalf of the town or Collony.

An Act for the appointing an Audit for the auditing and adjusting the Generall Treasurer's accounts, and all other generall accounts within this Collony.

Be it enacted by the Governor, Assistants and House of Representatives convened in Generall Assembly this 6th of May, 1702, and be it thereby enacted, That Capt'n Isaac Mar-

tindale, Mr. Samuell Comstock, Mr. John Anthony, Mr. Richard Greene, Mr. Joseph Clarke, Mr. Joseph Hull, Capt'n Thos. Fry, Lieut. Thomas Rathbone, and Mr. Edward Carr, are by virtue hereof, appointed the persons to audit the Generall Treasurer's accounts, and all other the Collony's debts, whatsoever.

And be it further enacted by the authority aforesaid, That the aforesaid Committee or Auditors, they, or the major part of of them, met, have, by virtue hereof, full power and authority to audit the aforesaid accounts, and that they, or the major part of them, meet in Newport three days before the next sitting of the Generall Assembly, and shall perfect said accounts under their hands, and make return of their proceedings to the next sessions of the Generall Assembly aforesaid; and that the persons above appointed, shall be paid three shillings per day each, for their said service, out of the Generall Treasury.

An Act in answer to the petition of sundry persons respecting the purchase of Wesquanage.

Be it enacted by the authority aforesaid, That always provided the said purchase of Wesquanage doth not entrench upon the township of Providence, Warwick, Greenwich, Kingstown and Westerly; and that it be a competency for the setting a township, that then they shall by virtue hereof, have full power or liberty to settle a township on their own rights aforesaid.

An Act for the obliging such persons as shall be chosen by any town in this Collony to the office of Town Sergeant, to their respective towns.

Be it enacted by the Governor, Assistants, and House of Representatives convened in Generall Assembly, the 6th of May, 1702, and be it thereby enacted, That if any persons in any town in this Collony shall be chosen to the office of Town Sergeant, shall refuse or neglect to serve in said office, according to the Election of said town, that then he or they so refusing, shall forfeit the sum of two pounds current money, for the use of the town, and shall pay the said forfeiture unto one of the Assistants, Justices, Conservators or Wardens, within ten

days after said Election ; the which being not performed, it shall be lawfull for any one Assistant or Justice, &c., to grant forth their warrant to any Constable to apprehend said person so refusing, who shall be committed to his Majesty's jail, till he shall give good security to answer his contempt, at the next Generall Court of Tryalls ; and being there lawfully convicted, execution shall go forth from the Recorder to the Town Sergeant of said town, to take said fine, with all costs and damages, by distraint and sale of the offender's goods ; any Act or or Acts, clause or clause, to the contrary hereof notwithstanding.

An Act for the more speedy gathering the fines and forfeitures of grand and petty jury men, that shall neglect their duty in appearing at the Courts for which they were chosen, or rendering sufficient reasons, &c.

Be it enacted by the Governor, Assistants and House of Representatives, convened in Generall Assembly, the 6th of May, 1702, and be it thereby enacted, That in case any jury man chosen by any town or towns, in this Collony, neglect to appear at any Court of Tryalls, being called, shall, for such neglect, pay a fine of the sum of thirteen shillings and four pence, current money, of this Collony ; the which, if not forthwith paid, it shall be taken by the Sheriff, by virtue of a warrant or execution from the Recorder, &c., and thereon sale of the offender's goods. Always provided, that if any lawfull excuse shall appear manifest to the Court where such jury man should have appeared, then it shall be in the power of the Court to lessen or remit said fine, at their discretion.

And be it further enacted, That the said Sheriff shall pay the said Recorder the sum of one shilling and four pence, for every such warrant or execution, and that the said Sheriff shall have the remaining part of one moiety of all such fines or forfeitures for his charge and trouble in gathering the same, and that the said Sheriff pay into the Generall Treasury six shillings and eight pence out of each fine, for the use of the Collony ; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

An Act for the proportioning of the rate or tax on the severall towns of this Collony, according to an Act of Generall Assembly, sitting in Newport, the 24th of March last.

Be it therefore [enacted] by the Governor, Assistants, and House of Representatives convened in Generall Assembly, this 6th of May, 1702, and be it thereby enacted, That whereas the afore-recited Act did not prefix each town's proportion of said assessment of two hundred pounds, [they shall pay as follows] :

Newport,	-	£56 05s.	Kingstown,	-	£30 15s.
Providence,	-	32 10	Greenwich,	-	06 10
Portsmouth,	-	35 00	New Shoreham,	-	06 00
Warwick,	-	11 10	Jamestown,	-	09 10
Westerly,	-	12 00			

Be it further enacted, That the said rate be duly gathered according to the aforesaid recited Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

An Act for the better enabling the Governor and Councill, or any four of them, to provide sufficient guns, to the number of twelve, with sufficient store of powder and shot, that the same may be planted in the fortification or battery premised, to be built according to an Act passed this sessions ; as also an Act that the Governor and Councill aforesaid, shall have full power to cause to be erected a common jail in the town of Newport, and so cause the same to be forthwith completed at the charge of the Collony.

Be it therefore enacted by the authority aforesaid, That the Governor and Councill, or any four of them, shall, by virtue hereof, have full power to provide and buy for the Collony's use, twelve good and sufficient great guns, or cannon, with sufficient powder and shot, and other utensills for the completing the aforesaid fortification or battery, as to them shall seem meet.

And be it further enacted by the authority aforesaid, That the Governor and Councill aforesaid, shall have full power to take out of the Generall Treasury of this Collony such sum or sums of money as shall be sufficient to complete the aforesaid

battery, stores, utensills, &c., and that a due account be given by the Governor and Councill, aforesaid, to the successive sessions of Assembly, as they shall be called thereto.

And also be it further enacted by the authority aforesaid, That the Governor and Councill, or any four of them, shall have full power to cause to be erected in the town of Newport, a good and sufficient jail, and to cause the same to be fully completed and finished as they in their wisdom shall see meet.

And be it further enacted, That the Governor and Councill, aforesaid, shall have full power from time to time to take and receive from the Generall Treasury of this Collony, so much as shall be sufficient to finish and complete said jail, and to account for said money by them received in manner aforesaid; any Act or Acts, clause or clauses to the contrary hereof notwithstanding.

An Act for the enabling Capt'n Joseph Sheffield and Mr. John Holmes, Generall Treasurer, to lease and settle the ferries in this Collony, that are not by law already settled; and to empower them to receive and adjust all accounts relating to the same; and to empower them to take forth writs from the Recorder to apprehend and bring to triall all such as shall refuse or neglect to pay what is due from them, or may hereafter become due to the Collony.

Therefore be it enacted by the authority aforesaid, That Capt'n Joseph Sheffield and Mr. John Holmes, shall by virtue hereof, have full power to lease all and every the ferries in this Collony, that are not by law already leased, and to receive of and from all and every such person all arrearages and dues that have become due from them for the aforesaid ferries, any time heretofore.

And be it further enacted, That if any person shall refuse or neglect to pay the aforesaid arrearages or such other sums as may hereafter become due for the said privilege of being empowered to keep any ferry in this Collony; that then the said Capt'n Sheffield and Mr. John Holmes, or any one of them shall have full power and authority by virtue hereof, to take

forth writ or writs against such person or persons as shall neglect to pay the aforesaid sum already due or that may hereafter become due. And that all such sum or sums of money by the aforesaid persons received by virtue of this Act, shall be improved for the use and benefit of said Collony; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

An Act for the better enabling the Governor and Councill or any four of them, from time to time, to improve and lay out for the Collony's use, for and towards the building of fortifications, or batteries, or stores, &c., all such sums of money or goods as are forfeited by judgment of Court heretofore within this Collony, or may hereafter be forfeited according to our Charter, and properly belonging to the Generall Treasury of said Collony.

Be it therefore enacted by the authority aforesaid, That it shall and may, and is lawfull by virtue hereof, for the Governor and Councill, or any four of them, from time to time hereafter, to receive and lay out for and towards the building, repairing, or for stores, viz.: powder and shot, &c., for and towards the completing of battery or fortifications, within this Collony, all such or sums of money, goods or wares, as are by judgment of Court forfeited, and properly belonging to the Generall Treasury of said Collony, according to our Charter; and more particularly, the money, gold plate or goods sentenced to be forfeited by Robert Munday, by judgment of Court, held at Newport, the last Tuesday in March, in the year 1699, reference being thereunto had.

An Act for the assessing a rate on the inhabitants of this Collony, for £300 current money.

Be it enacted by this present Assembly and the authority thereof, and it is hereby enacted, That there shall be a rate or tax assessed on the inhabitants of this Collony, for the full sum of £300 in money, or good pay equivalent, according to the prices hereafter expressed; and that by virtue hereof, the respective officers of each respective town in this Collony do proceed to the assessing, gathering and paying into the Generall

Treasury of said Collony, the aforesaid sum, in manner aforesaid, according to an Act of Generall Assembly, passed at Warwick, the 25th day of October, 1699; and that the same be proportioned by virtue hereof, in manner following, viz.:

Newport, -	£82 07s. 6d.	Kingstown, -	46 02s. 6d.
Portsmouth, -	52 10 0	Greenwich, -	09 15 0
Providence, -	48 15 0	Jamestown, -	14 05 0
Warwick, -	17 05 0	New Shoreham,	09 00 0
Westerly, -	- 18 00 0		

to be paid in current money, or pay equivalent, viz.: Indian corn, at two shillings, three pence per bushell; oats, at fourteen pence per bushell; barley, at two shillings per bushell; rye, at two shillings and sixpence per bushell.

And be it further enacted by the authority aforesaid, That the said assessment be paid into the Generall Treasury of this Collony at or before the last day of November next ensuing this date; and that the respective inhabitants shall pay their respective proportions to the Constables, in money or grain, at the rates above mentioned; which shall be deemed sufficient for the same.

And be it further enacted by the authority aforesaid, That the Constables of each respective town, shall, according to the aforesaid time, transmit the aforesaid pay or money into the Generall Treasury of said Collony, on the penalty inserted in the afore-recited Act, passed at Warwick, &c., and the same be improved for the use and benefit of said Collony, according to the direction of the Governor and Council of said Collony; or as the Governor and any four of his Council shall think meet for the benefit of said Collony.

An Act for the allowing the Governor of this Collony for the time being, twenty pounds current money, for a gratuity of the good service done for said Collony by him.

Be it enacted by the authority aforesaid, That the Honored Governor shall by virtue hereof, have paid out of the Generall Treasury the sum of twenty pounds current money, besides the sallary allowed by the laws of this Collony.

An Act for the preventing the inhabitants of this Collony from harboring and concealing vagrant persons, run-aways and deserters of his Majesty's service, &c.

Whereas divers vagrant and poor persons coming into the respective towns in this Collony, have frequently been entertained by some of the inhabitants of said towns, contrary to order, and without the approbation and knowledge of the authority, so that sundry such persons have become a burden to the towns, and well affected persons in the same; and by their idle and vicious lives and conversations have brought a reproach upon the government; and many times run-aways and deserters of his Majesty's service have been harbored and concealed, to the great scandall of the authority, as aforesaid. For the better regulating and preventing such misdemeanors, and to secure the respective towns from unnecessary charge:

Be it enacted by this Assembly and the authority thereof, That if any person or persons inhabiting within any town in this Collony shall entertain, harbor or conceal any stranger not being a known inhabitant in the Collony (above one week), and not give an account or information thereof to some person in authority within said towns, the person or persons so offending, being duly convicted thereof, shall be under the penalty and forfeiture of five pounds current money, for the benefit and use of the poor of the town where such person so offending shall dwell. And if any person or persons that shall be so harbored, and entertained or concealed, shall come to poverty, the said inhabitants so entertaining such person, &c., and hath not given information as aforesaid, shall answer and make good all damage and costs that any town shall sustain thereby.

And in order thereunto, it shall and may be lawfull for the Town Treasurer of each respective town in this Collony to commence his action in behalf of the town, against any such inhabitant so transgressing; who being duly convicted thereof, executions shall be granted forth from the Recorder to the Town Sergeant of said town, to levy the said fine or forfeiture, with costs of suit, and all other costs and damages that the town shall sustain thereby, by distraint and sale of the offender's goods and chattels.

But in case the said person or persons so convicted, have not a competent estate to respond said fine and damages, that then it shall be lawfull and in the power of the Court to inflict corporall punishment by imprisonment in the House of Correction, not exceeding three months ; or by whipping, not exceeding thirty-one stripes on his or her naked back.

And it is further enacted by the authority aforesaid, That if any commander or master of any ship or vessell coming into any port of this Collony, shall land or cause to be landed and put on shore, any passenger or passengers, that shall not be admitted by the authority to abide or inhabit within said Collony, that then it shall be lawfull for and in the power of any one Assistant, Justice, Conservator or Warden, to require and command such commander or master, as aforesaid, forthwith to take such passenger or passengers on board his said ship or vessell, and carry off and out of said Collony. But in case any of said commanders or masters, being so commanded or required, shall refuse or neglect to proceed accordingly, that then it shall be lawfull for any Assistant or Justice, &c., to grant forth his warrant to any Constable to apprehend such commander or master, and commit him to his Majesty's jail, there to remain till he shall take on board any such passenger or passengers, as aforesaid, or give good security, in the sum of one hundred pounds, that said passenger or passengers so landed, shall not be chargeable to the town or parish, where so landed ; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

Whereas there was an Act made the 28th of October, 1677, that there should be six training days in the year, and this Assembly taking into mature consideration, and finding it to be a great burden to the poor in losing much time :

Be it therefore enacted by the authority aforesaid, and it is hereby enacted, That from and after the publication hereof, there shall be but four training days in one year ; and three of them to be at the discretion of the commissioned officers of each respective Train Bands within this Collony ; and the day of election for military officers to remain as in the former Act.

And whereas the fine was but two shillings for each day's defect, for not appearing in arms :

It is further enacted by this Assembly, That for the future, after the publication hereof, the fine for not appearing in arms, when lawfully warned thereunto on said training days, shall be three shillings for each day's defect, with sixpence for each distraint, if not paid as the former laws direct ; any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

Whereas some of the inhabitants of Jamestown petitioned this Assembly that they may not be debarred or hindered from transporting themselves or goods, &c., in their own boats, &c. :

Be it therefore enacted by this Assembly, and it is hereby enacted, That the free inhabitants of Jamestown shall have their liberty at all times to transport themselves and neighbors with their goods or clothes in their own boats ; provided, they transport not any for money, or any sort of pay, whereby the stated ferries may be damnified, except there be great occasion or necessity when the ferry boats are out of the way, and cannot be had.

Whereas, Samuell Cranston, Esq'r, Governor, his account of one hundred and five pounds, which was in his hands, belonging to the Collony, was audited by Capt'n Isaac Martindale and Capt'n Nathaniell Coddington, and presented to this Assembly, and is allowed of as a just account ; and upon the balance of said account there remains due to the Governor from the Collony thirty-two pounds ; also the account concerning Robert Munday, which the Governor presented to this Assembly, is allowed of as a just and honest account.

An Act for the enabling the Recorder to send copies of the Acts passed at this Assembly within twelve days after the adjournment or dissolution of said Assembly, which shall first happen, to the respective towns in the Collony.

Be it enacted by said Assembly and by the authority thereof, That the Recorder of this Collony, shall within twelve days after the adjournment, or dissolution of this present sessions, which shall first first happen, send copies of said Assembly's

Acts to every town in said Collony, that they and every of the said Acts may be put in execution and in full force and virtue.

And it is further enacted, That the said Recorder shall have for each respective copy sent to the respective towns, paid out of the Generall Treasury the sum of fifteen shillings.

And it is further enacted, That the Acts passed at this Assembly, be published by beat of drum to-morrow morning, at 8 o'clock, under the Seal of the Collony; and upon the publication thereof, the Assembly to be adjourned to the last Tuesday in August next, in Newport, without the Governor or Deputy Governor see cause to call it sooner.

The said Acts being published according to order, the Assembly is adjourned, as aforesaid.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 25th day of August, 1702.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

At a Generall Assembly held at Newport, within and for her Majesty's Collony of Rhode Island and Providence Plantations, upon adjournment from the 6th of May last past, unto the 25th day of August, 1702.

This Assembly taking into their consideration the many inconveniences and great trouble that doth attend the affairs of this her Majesty's Collony of Rhode Island, &c., for want of due compliance with, or just obedience rendered to the severall Acts of Assembly made within and for her Majesty's

Collony, and more especially by reason of severall towns not paying their part of such rates or taxes, as by severall Acts of Assembly made in said Collony, will more at large appear.

For preventing the like troubles for the future, as likewise for the more effectuall gathering and bringing into the Generall Treasury of said Collony all such Collony rates as hereafter shall be made for the defraying the publick charge of said Collony :

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That the Assistants, Justices of the Peace, Wardens, and Conservators of the Peace of each town, within this Collony, shall, and have hereby full power and authority to them and each of them granted from time to time, and at all times hereafter, to grant forth their warrants to the respective Constables of each town whereunto they belong, for gathering all such rates as hath been formerly made, and not fully gathered, and to prosecute the same till they be fully gathered and delivered into the Treasury without any delay. notwithstanding the time limited for the payment of said rate or rates may be expired ; as likewise to cause the inhabitants of each town, if it should so happen, that they have neglected to choose rate makers for the proportioning any rate heretofore ordered by Act of Generall Assembly, and not yet proportioned on the inhabitants of the respective towns ; and upon neglect or refusall of any town, to proceed accordingly, then the Assistants, Justices, &c., to proceed according to former Acts in such cases made and provided.

And it is further enacted by the authority aforesaid, That if any Assistant, Justice of the Peace, Warden, &c., shall neglect his or their duty in granting forth their warrants, either for gathering of the rates where it is already proportioned, or in any wise shall neglect his or their duties for the space of twenty days after the publication of this Act, shall for each defect forfeit the sum of twenty pounds, to be recovered by an action of debt commenced against him or them so offending. And the Generall Treasurer of said Collony for the time being, shall and hath hereby full power to commence and prosecute

said action or actions in any Court of Tryalls, where no imparlance or other dilatory plea shall be allowed.

And it is further enacted by the authority aforesaid, That if any Constable or Constables within said Collony, shall neglect his or their duty in gathering said rates according to the warrants to them directed, they shall forfeit the sum of twenty pounds, to be recovered by the same order, method and proceedings as is provided concerning the Assistants, &c. ; any Act, clause or clauses, to the contrary notwithstanding.

And it is further enacted by the authority aforesaid, That all such fines and forfeitures so taken and recovered, as aforesaid, shall be returned into the Generall Treasurer's office, for the use of the Collony.

And it is further enacted by the authority aforesaid, That if any Assistant, Justice, Warden or Constable, shall neglect his or their duties, according to what is above said, concerning any rates hereafter assessed on the inhabitants of said Collony, they shall be deemed guilty of the forfeiture above mentioned, and to be recovered in manner abovesaid.

Voted, That Capt'n Joseph Sheffield, and the Treasurer, Lieut. John Holmes, have full power to account with Mr. Jahleel Brenton, concerning his voyage for England, on the Collony's account, and make their return to the next Assembly.

Voted, This Assembly's Acts be published forthwith in the town of Newport, under the Seal of the Collony ; and copies thereof sent to each town in this Collony, within ten days, and the Recorder to be paid out of the Generall Treasury, two shillings for each copy.

The Assembly dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 17th day of September, 1702.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

Whereas, Coll. Dudley, Governor of Boston, did on the 3d of September, 1702, make demand of the whole millitia of this Collony, and it being referred to the Assembly for answer:

Therefore be it enacted by this Assembly and the authority thereof, That the Committee hereafter named, draw up and send an answer to the Governor's demands.

And be it further enacted by this Assembly and the authority thereof it is hereby enacted, That Commissioners be appointed to address her Majesty with all the speed that can conveniently be. Also that the said Commissioners draw up the case for the Collony, relating to the millitia, and what else may be thought fit and convenient for the interest of the Collony; and that the said Commissioners, or the major part of them, do constitute, appoint and fully empower some man or men in the realm of England to deliver the said address, and what else in their wisdoms [they] shall see needfull and necessary concerning the premises.

And be it further enacted by the authority aforesaid, That the Governor, Deputy Governor, Capt'n Carr, Major Isaac Martindale, Capt. Jos. Sheffield, and the Recorder, they or the major part of them, shall be the Commissioners to draw up the said address, and fully empower the said man or men, to deliver the same. And further, the said Commissioners, or the major part of them, shall have full power to return the said answer to Coll. Dudley; and the whole charge concerning the premises, shall be paid out of the Generall Treasury of this her Majesty's Collony.

And be it further enacted by the authority aforesaid, That whereas, there was an Agent agreed upon to go to her Royall Majesty, and also that money should be raised for the same, we refer both to the next Generall Assembly, sitting at Providence, the last Wednesday in October next ensuing.

And further be it enacted by the authority aforesaid, That whereas, there was an Act of Generall Assembly, passed at Newport, the 25th of August, 1702, which Act was ordered to be sent forth to the severall towns, within ten days after the dissolution of said Assembly; but there being severall urgent occasions that hindered the sending said copies forth:

It is therefore enacted by this Assembly, That the Recorder have ten days from the dissolution of this Assembly for sending forth said copies, and the copies of the Acts of this Assembly, under the Seal of the Collony; and that the Recorder be allowed out of the Collony Treasury the sum of four shillings for each copy; the copy of the former Assembly's Acts being annexed hereunto.

And be it further enacted by the authority aforesaid, That this Assembly's Acts be forthwith published in the town of Newport, under the Seal of the Collony, by beat of the drum; and that upon the publication of the same, this Assembly is dissolved.

Proceedings of Governor Dudley of Massachusetts, and the Governor and Council of Rhode Island.

Newport, on Rhode Island, Thursday,
A. M., September 3d, 1702.

His Excellency, Joseph Dudley, Esq'r, being attended by the Honorable Thomas Povey, Esq'r, Lieut. Governor John Hathorne, John Walley, Nathaniel Thomas, Penn Townsend, Nathaniel Byfield, and Isaac Addington, Esq'rs, of her Majesty's Councill, of the Massachusetts Bay, and severall gentlemen that waited on his Excellency from Boston, with severall gentlemen of the said Island, and other parts adjacent, went to the house of Governor Cranston, his Excellency being informed that said Governor Cranston and the Councill of the said Collony of Rhode Island and Providence Plantation, were there met according to appointment made yesterday.

There being present in Councill, Samuel Cranston, Esq'r, Governor.
Walter Clarke, Esq'r, Deputy Governor.

Robert Carr, Isaac Martindale, Joseph Sheffield, Robert Layton, Joseph Hull, Esq's.

Weston Clarke, Recorder.

His Excellency acquainted the said Governor and Councill, that for the better safety and defence of her Majesty's subjects and interest within the Collonies of Rhode Island and the Narragansett country, or King's Province, in the time of war (it being now such), her Majesty had been pleased by her Royall Commission, under the great Seal of England, to constitute and appoint him her Captain Generall of all the forces, forts and places of strength within the same. And that in and by another Commission from his Excellency, Thomas, Earl of Pembroke and Montgomery, Lord High Admirall of England and Ireland, under the great Seal of the High Court of Admiralty of England, he is constituted and appointed Vice Admirall of the said Collony of Rhode Island, &c., and the Narragansett country, or King's Province, and of the maritime ports and places thereto belonging and adjoining, which said two severall Commissions were shown forth and published, being read by Secretary Addington, at the request of the said Governor Cranston, the Recorder Clarke overlooking the same.

And then his Excellency moved to have the oaths administered to him, appointed to be taken instead of the oaths of allegiance and supremacy, which was accordingly done in Councill.

Governor Cranston desired that himself and Councill might have time for consideration of what had been presented to them by his Excellency ; and the gentlemen that waited upon him withdrew.

P. M. Major Martindale waited upon his Excellency, with a message from the Governor and Councill to request a copy of that part of his Excellency's Commission that refers to the command of the militia of the said Collony of Rhode Island, &c. ; which by his Excellency's order was extracted, examined and attested by Secretary Addington, and sent to the said Governor and Councill.

Friday, September 4th, 1702, A. M.

His Excellency being given to understand that Governor Cranston and his Councill were sitting at the said Governor's house and were ready to receive him, he went thither, being attended as yesterday.

Present in Councill, Samuell Cranston, Esq'r, Governor.

Walter Clarke, Esq'r, Deputy Governor.

Robert Carr, Isaac Martindale, Joseph Sheffield, Robert Layton, Joseph Hull, George Hazard, Esq's.

Weston Clarke, Recorder.

His Excellency observed to the said Governor and Councill, that the the militia was by Act of Parliament vested in the Crown ; and it was her Majesty's prerogative to dispose thereof as she should think fit, and he had shown forth unto them her Majesty's Royall Commission under the great Seal of England, appointing him to be her Captain Generall of all her forces within that Collony, &c. Her commands under the broad Seal, not being to be disputed or controverted.

Governor Cranston said that himself and Councill had appointed Major Martindale to acquaint his Excellency with their opinion upon what his Excellency had presented and shown forth unto them yesterday.

Then the said Major Martindale desired that the Recorder might read that clause of the Charter, granted by King Charles the Second, unto the Governor and Com-

pany of the said Collony, referring to the militia ; which being done, he observed that the power of the militia was one branch of the privileges granted by his said Majesty unto that Corporation or body politic, being intermixed with the civill governments ; and that the Governor and Councill could give no result to his Excellency's demands without first advising with the Generall Assembly, which was to sit at Providence in October next, and then a presentation should be made to them of what his Excellency had communicated to the Board, and an answer should be made.

His Excellency replied he had nothing to do with an Assembly in that affair, but with the Governor and Councill.

Governor Cranston desired they might have copies of his Excellency's commissions.

To which his Excellency replied, he did not think it proper to grant copies in loose sheets, that might be put into a private man's pocket ; but if said Governor Cranston pleased to direct the Recorder, or any Clerk to attend him at his chamber with their Book of Records, he should have liberty to enter the said commissions, and that his Excellency would examine and sign them.

After returning to his Excellency's lodgings, Coll. Povey, Lieut. Governor, took the oaths appointed instead of the oaths of allegiance and supremacy.

P. M. His Excellency and the Honorable Thomas Povey, Esq'r, Lieut. Gov'r, severally repeated and subscribed the Test or Declaration before Governor Cranston, and severall of his Councill.

His Excellency issued forth his warrant, directed to Major Martindale, Major of the Island regiment, to cause his regiment to appear in arms to-morrow morning.

Mr. James Menzies, by direction of Governor Cranston, attended his Excellency with paper and books, to transcribe his Excellency's commissions into ; which was allowed by his Excellency to be done. And the transcripts were examined and attested by Secretary Addington, and sent to Governor Cranston, by the hand of the said Mr. Menzies.

Saturday, September 5th. A. M.

Major Martindale waited upon his Excellency at his lodging, and excused his not executing his Excellency's warrant sent him yesterday, to cause his regiment to appear in arms this morning, for that by his commission he was to observe the direction of the Generall Assembly, or the Governor and Councill of that Collony, and was sworn accordingly ; and read that clause in his commission, and the form of the oath.

At noon, his Excellency, with the gentlemen that waited upon him from Boston, departed from the Island, and went over to Bristol.

Monday, September 7th.

This morning, his Excellency, attended by the Lieut. Governor, Col. Townsend, Col. Byfield, with severall other gentlemen, went from Bristoll over to the Narragansett country, or King's Province, and landed at Rochester, where they were received with all respect by the gentlemen of the place ; Capt'n Daniel Eldridge attending with his Company, in arms, and his Excellency's commission from her Royal Majesty for the command of the militia, &c., of that country, or Province, was there read and published ; and his Excellency and Lieut. Governor Povey severally took the oaths appointed by Act of Parliament to be taken, instead of the oaths

of allegiance and supremacy, repeated and subscribed the Test or Declaration. Then his Excellency tendered the oath of allegiance to the officers of the militia, who cheerfully took it, and after them the whole body of the soldiers in arms.

His Excellency staid there that night, and treated the soldiers as the time and place would allow, and the next day directed his voyage homeward.

ISAAC ADDINGTON, Secretary.

Since my return from Rhode Island, I had an answer from the Assembly there, which I covered to your Lordships by the sloop Wolfe, and by his conveyance have again sent it to the Right Honorable the Lord Nottingham.

Your Lordships' most obedient humble servant, J. DUDLEY.

Governor Dudley to the Board of Trade, giving an account of his visit to Rhode Island.

Boston, 17th September, 1702.

My Lords:

About twenty days ago, in obedience to her Majesty's instructions, I took with me some gentlemen of the Councill here, and a troop of horse to attend me, and came to Rhode Island, and there in presence of Mr. Cranston, Governor, and seven of their Councill, most of them Quakers, and a great assembly of people, I published her Majesty's Letters Patents for the government of the forces and fortifications of that Collony in the time of war, and the commission for the Vice Admiralty, at which the Quakers raged indecently, saying that they were ensnared and injured.

I refused to enter into any conference with them untill I had taken the oaths of allegiance, &c., and had signed the Test, which I told them I would do in the presence of the Councill I brought with me; but had rather do it before them, and then I should account myself qualified and secure in my proceedings with them, which obtained, so far as that some of them withdrawing, Mr. Cranston administered the oaths, and the next day at a conference with them, I told them I should proceed to review and settle the defects of their militia, and desired the names of their officers; but could obtain nothing of them but stubborn refusall, saying they would lose all at once, and not by pieces.

The next day I gave out warrants to the town Major to muster the two Companies in Newport, that I might see them, intending to have given the oaths and spoken kindly to the people; but the Governor and his Councill would admit of no such thing, but have called their Generall Assembly, which is now sitting; and, as they say, intend to send home some application to her Majesty.

The day after, I proceeded into the Narraganset country, and came to the town of Rochester, to which I had the honor to give that name sixteen years since, when I was President there, who are now grown to one hundred and twenty men, who with their officers all met me at the sea-side, and attended the publication of the commission, and cheerfully and unanimously, officers and soldiers, took the oaths. I treated them as well as the place and the time would allow, and the next day proceeded in my journey. But the Governor and Councill of Rhode Island came near to Rochester the next day, sent for the officers, and were greatly displeased with their attendance and submission; and since have used all methods to bring back the people to confusion.

And upon the whole of this article, my Lords, I am humbly of opinion, that I do my duty to acquaint your Lordships, that the government of Rhode Island in .he present hands, is a scandal to her Majesty's government. It is a very good settlement, with about two thousand armed men in it. And no man in the government, of any estate or education, though in the Province there be men of very good estates, ability and loyalty; but the Quakers will by no means admit them to any trust, nor would they now accept it, in hopes of a dissolution of that misrule, and that they may be brought under her Majesty's immediate government in all things which the major part by much of the whole people, would pray for, but dare not, for fear of the oppression and affront of the Quakers party making a noise of their Charter.

My Lords, I am your Lordships' most obedient and most faithfull humble servant,
J. DUDLEY.

Rhode Island Assembly to Governor Dudley.

May it please your Excellency: In answer to your demands of the militia of this her Majesty's Collony of Rhode Island and Providence Plantations, &c., we humbly offer: that by our Charter granted by King Charles the Second, of blessed memory, bearing date the fifteenth year of his said Majesty's reign, the sole power of the militia is granted to us; as well as by her late Majesty, Queen Mary, of blessed memory, her pleasure to us signified, bearing date the 22d of August, 1694, relating to our said militia, upon our address to our late deceased Sovereign Lord and Lady, King William and Queen Mary, signifying the demands of Sir William Phipps, late Governor of the Massachusetts, relating to the militia of said Collony, whereon her Royall Majesty Queen Mary, aforesaid, did signify her Royall pleasure relating to the same; the which we, her Majesty's subjects in said Collony are ready to perform, as well as to perform all other acts of loyalty to our present Majesty, according to the trust in us reposed.

And we further say, that finding in your Excellency's communication no express superseding of the power of the militia in our Charter, nor order to us from her present Majesty to surrender the same; and being sensible of the great importance of this matter, and finding it in severall main things which do need a particular explanation and settlement, as we shall, God willing, manifest to her Majesty by our humble address, cannot but conceive it our duty, both with respect to our Majesty's service and our own peace and preservation in this time of war to endeavor to continue the militia as formerly, till we shall receive further orders from her Majesty, not doubting her Majesty's gracious favors.

Signed by order of the Generall Assembly of her Majesty's Collony of Rhode Island and Providence Plantations, &c., sitting in Newport, the 17th of September, 1702.

WESTON CLARKE, Secretary.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 2d of February, 1702-3.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

Be it enacted by and with the advice and consent of the Governor, Assistants and Representatives in this Assembly convened, and the authority thereof, and it is hereby enacted, That Capt. Jos. Sheffield, Esq'r, is appointed sole Agent for this her Majesty's Collony of Rhode Island and Providence Plantations, &c., to appear before her Majesty in Council, or before any Minister or Ministers of Justice within the realm of England, in behalf of the aforesaid Collony, as well as for the upholding and continuing the Letters Patents granted to us by his Majesty, Charles the Second, of blessed memory, as well as for any other difference or differences, case or cases in the behalf of the aforesaid Collony; and said realm of England, to negotiate and make answer to and for the aforesaid Collony, either in respect to the unhappy difference between this her Majesty's Collony and her Majesty's Collony of Connecticut, and to all other matters, case or cases, complaint or complaints, whatsoever, that shall be alledged in the realm of England, aforesaid, against this her Majesty's Collony, in any nature, whatsoever.

Also be it further enacted by the authority aforesaid, That the aforesaid Capt'n Joseph Sheffield, Esq'r, shall have allowed and paid him by the aforesaid Collony, viz.: for the first year he, the said Sheffield, shall have all his necessary expenses and charges that he shall be at, either for his passage or otherwise, for his honorable accommodations, untill his arrivall into England. As also shall have paid him for his own use the sum of one hundred pounds current money, besides the aforesaid charge and expense.

And for every successive year after the first year, after the rate of sixty pounds per annum, so long as the aforesaid Collony shall see cause to continue him in the aforesaid premises.

As also be it further enacted, That for the execution and answering and paying the charge that shall accrue in the execution of the aforesaid trust in the behalf of said Collony, that there be a rate forthwith assessed on the inhabitants of said Collony; and that three hundred pounds sterling money of England, be forthwith remitted for England, by bills of exchange, &c., to him, the aforesaid Sheffield, Esq'r.

And be it further enacted, That if it should please God that he, the said Sheffield, should be taken either in his going or coming, to or from the aforesaid realm of England, that then the charge and cost of his redemption shall be had and borne at the proper cost and charge of said Collony. Always provided, that the said Capt'n Joseph Sheffield's actions and transactions in the premises, shall be according to the instructions and directions of the Commissioners appointed by virtue hereof, for the upholding the rights and privileges of the body politick and corporate of said Collony, according to the aforesaid Charter, viz.:

And be it further enacted by the authority, aforesaid, That the Honorable Samuell Cranston, Esq'r, Governor, and the Honorable Walter Clarke, Esq'r, Major Isaac Martindale, Esq'r, Capt'n Robert Lawton, Esq'r, Mr. Joseph Hull, Esq'r, Capt'n James Barker, Esq'r, and Capt'n Jonathan Holmes, or the major part of them, shall have, by virtue hereof, full power and authority to act in all cases whatsoever, for the forwarding the said Agent with full and ample instructions in the premises; and that the Governor, with the advice of the Commissioners, or the major part of them, shall give the Agent a full, large and ample commission for the executing said premises, with the Seal of this Collony thereunto annexed.

And be it further enacted by the authority aforesaid, That the said Commissioners shall meet the 1st of March next, at the house of Thomas Mallet, in Newport; and from time to time, so as they fully perfect and empower said Agent with the

aforesaid premises, at or by the 1st day of April next ensuing. And the said Commissioners to be paid their respective charges, and for their pains in the premises, they shall have a good and reasonable reward.

Also be it further enacted by the authority aforesaid, That for the more speedy perfecting the premises and defraying said charge, that there is by virtue hereof, a rate assessed on the inhabitants of said Collony, for the sum of £600 current money, or pay equivalent, at the prices hereafter expressed, viz: Indian corn, at two shillings, three pence per bushell; and barley, at two shillings per bushell; and wheat, at four shillings per bushell; and rye, at two shillings, four pence per bushell; and oats, at fourteen pence per bushell; and to be paid according to the late £300 levy, that the same is by virtue hereof assessed on the respective towns; and to be raised in manner and form following:

Newport,	-	£168 15s.	Westerly,	-	£34 10s.
Providence,	-	96 00	Jamestown,	-	28 10
Portsmouth,	-	105 00	Greenwich,	-	22 10
Warwick,	-	34 10	New Shoreham,	-	16 10
Kingstown,	-	93 15			

And be it further enacted by the authority aforesaid, That for the speedy perfecting the premises, the Assistants, Justices, and Wardens and Conservators of each respective town, shall give forth their warrants to convene the respective inhabitants of their towns together, at or before the 8th day of March next ensuing, then and there to choose rate makers to proportion said rate by the 14th of March next ensuing, and then the same to deliver at or by the said 14th day, to the said Assistants, Justices, Conservators, or Wardens of each town; who are hereby empowered and required, and on the penalty according to the late £800 rate, passed at Kingstown, the 2d of August, 1698, forthwith to grant forth their warrants to the respective Constable of said towns, so that the same be had and fully gathered and paid into the Generall Treasury at or before the 1st of April next ensuing. But in case the said day or days be relapsed, and the same not fully gathered, that then

the aforesaid Assistant, &c., do notwithstanding the same, give forth their respective warrants according to the late £300 levy, on the penalty contained in the aforesaid Acts ; any Act or Acts to the contrary notwithstanding.

John Dexter, Jonathan Sprague, Randall Holden, Eleazer Arnold, Richard Greene, Israel Arnold, Joseph Whipple, John Waterman, John Carpenter, and Clement Weaver, do protest against the aforesaid Act, being Deputies in said Assembly.

An Act for the raising and levying on the inhabitants of this Collony the sum of £500, for the uses hereafter mentioned.

Be it enacted by the Governor, Assistants and House of Representatives convened, and the authority thereof, That there be a rate levied on the inhabitants of each respective town, for the uses hereafter premised, viz. : £200 for building a fort, and £150 for the building a jail, and £150 to pay the following debts, and the same to be proportioned on the severall towns and paid in manner and form following, and in money or pay at the prices hereafter expressed, viz. : Indian corn, at two shillings, three pence per bushell ; barley, at two shillings per bushell ; wheat, at four shillings per bushell ; rye, at two shillings, four pence per bushell ; oats, at fourteen pence per bushell ; and wool, at nine pence per pound ; and to be paid according to the late £300 rate, and the same is by virtue hereof assessed, and proportioned on the respective towns in manner following :

Newport,	£140 12s. 6d.	Westerly,	- £28 15s. 0d.
Providence,	80 00 0	Jamestown,	23 15 0
Portsmouth,	87 10 0	Greenwich,	- 18 15 0
Warwick,	- 28 15 0	New Shoreham,	13 15 0
Kingstown,	78 02 6		

And be it further enacted by the authority aforesaid, For the more speedy perfecting and gathering of the said rate, that the Assistants, Justices, Conservators or Wardens, for their respective towns, shall give forth their warrants, and convene the inhabitants of their respective towns at or before the 15th of April next ensuing, then and there to choose rate-makers to proportion the said rate, by the 10th of May next ; and the same to

deliver at or by the 10th of May, to the aforesaid Assistants, &c., who are hereby empowered and required on the penalty according to the late £800 rate, passed at Kingstown, the 2d day of August, 1698, after receipt thereof, forthwith to grant forth their warrants to the Constables of their respective towns, so that the same be had and fully gathered and paid into the Generall Treasury at or before the 15th day of June next ensuing. But in case the day or days be relapsed, and the same not fully gathered, that then the Assistant, &c., do notwithstanding the same, give forth their respective warrants for the full gathering the aforesaid rate, according to the late £300 levy, on the penalty contained in said Acts.

Be it further enacted by the authority aforesaid, That the charges of entertaining the prisoners taken by Capt'n William Wanton, shall be paid out of her Majesty's tenths of said prizes. Always provided, that if the same be not allowed by her Majesty, that the same be repaid and borne by this her Majesty's Collony.

In answer to his Excellency, the Lord Cornberry, Governor and Commander in Chief of her Majesty's Province of New York, his demand of money, &c., this Assembly having seriously debated and considered the premises :

Do enact, That the Governor [and] Deputy Governor shall draw up the mind and sense of this Assembly relating to the same, which shall be signed by the Recorder in behalf of said Assembly, and sent to his Excellency, the Lord Cornberry, aforesaid. The chief head of what is to be drawn up and sent, is to signify the weakness of this her Majesty's Collony, and the great danger we lay under to be invaded by the common enemy, with the great charge the Collony is likely to be at in fortifying in pursuance to her Majesty's commands ; and also to signify that we shall represent the matter to her Majesty by our Agent, with hopes that when her Majesty is rightly informed of the state of this Collony, that the said imposition will be remitted.

It is further enacted by this Assembly, That the Governor shall have full power to order out of the Generall Treasury,

viz.: out of the late £200 rate, or out of the £150, ordered by Assembly, for paying Collony debts, the sum of forty or fifty shillings in money, for the present repairing the Collony House.

Voted, That the Acts passed at this sessions of Assembly, shall be published by beat of drum in the town of Newport, forthwith, under the Seal of the Collony, and that the Recorder shall within ten days after the adjournment of this Assembly, send forth copies if possible, to each town in this Collony, under the Seal of said Collony, and to have eight shillings for each copy paid out of the Generall Treasury, forthwith; and upon the publication hereof, this Assembly is adjourned to the first Tuesday in Aprill next, to the Collony House, in Newport; except the Governor or Deputy Governor see cause to call it sooner.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the first Tuesday in April, 1703.

Major Samuel Cranston, Governor.

Weston Clarke, Recorder.

At a Generall Assembly, held at Newport, by adjournment from the 2d day of February, 1702, to the first Tuesday in April, 1702-3.

This Assembly taking into serious consideration the Acts made at the last sitting of this Assembly, for the sending an Agent for England, and for raising £600 on the inhabitants of this Collony, for to bear the charge of the same, and finding no occasion at present:

Therefore, be it enacted by the authority aforesaid, That the sending of an Agent, and raising of money for defraying said charge, is referred to the sitting of the Assembly in May next, after the Election.

And be it further enacted by the authority aforesaid, That the Act for raising of £500 for the carrying on the fort, repairing the prison, and paying of the Collony's debts, which Act was made the last sessions of this Assembly, the 2d of February last, shall be of full force and virtue, as in said Act is set forth at large.

And it is further enacted by the authority aforesaid, That for the future, all Deputies' wages within the respective towns within this Collony, shall be paid out of the Generall Treasury, and to be paid as formerly by the Generall Treasurer. And all the fines for Deputies not appearing and giving their due attendance when legally chosen and lawfully warned, shall be paid into the Generall Treasury, according to former Acts ; and if any person or persons do neglect or refuse to pay said fine, as aforesaid, to take said fine according to former proscription, when Deputies were paid out of the Generall Treasury ; any Act or Acts, to the contrary notwithstanding.

And it is further enacted by the authority aforesaid, That every person that kills a wolf or wolves, above half a year old, shall have paid him or them out of the Generall Treasury twenty shillings for each wolf so killed, for his pains ; any Act or Acts, clause or clauses, to the contrary notwithstanding.

Voted, Whereas, there is a complaint made to this Assembly, viz. : by Samuell Davis, that there is no provision in our law made, or any way open how that the said Davis may come to be put into lawfull possession of his just right, which he the said Davis hath recovered by due course of law against Thomas Mallett, Sheriff, there being no officer appointed to execute or levy an execution in that behalf, the premises considered :

This Assembly do enact, and it is hereby enacted and declared by the authority of the same, That in this case, relating [to] Samuell Davis and the said Sheriff, and all other cases of this like nature, relating [to] the Sheriff, that execution shall

go forth from the Recorder to the Town Sergeant of the town of Newport, fully empowering and commanding him the said Sergeant, to execute every such writ, precept, warrant or execution, relating [to] the Sheriff, according to the true intent and meaning of the same; and to have the like allowance for the performance of this, his said office, as by law, and under the same penalty on defect, in such cases made and provided, where the Sheriff himself executes; any law, custom, or usage to the contrary hereof, notwithstanding.

Voted and enacted by this Assembly and the authority thereof, That Jonathan Marsh and John Carr, ferrymen between Cononicutt and Rhode Island, you, or either of you, are by virtue of this Act, to carry all Magistrates, Deputies and members of the Generall Court, over said ferry, and charge it to account, that it may be deducted out of what you are to pay yearly for the ferry.

Be it enacted by this Assembly and the authority thereof, That the Acts passed at this sitting of the Assembly, be published within ten days after the dissolution of this Assembly in the town of Newport; and that the Recorder send forth copies thereof, under the Seal of the Collony, to the several towns by the 1st of May next, and to have two shillings for each copy, paid out of the Generall Treasury.

The Assembly dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, May the 4th, 1703.

Major Samuel Cranston, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Capt'n Robert Carr,
Major Isaac Martindale,
Mr. Joseph Williams,
Major William Hopkins,
Capt'n Joseph Sheffield,

Capt'n Robert Lawton,
Mr. Benjamin Smith,
Mr. Benjamin Barton,
Mr. Joseph Hull,
Mr. George Hassard.

DEPUTIES.

For Newport.

Capt'n James Barker,
Capt'n John Rogers,
Capt'n Nath'll Coddington,
Capt'n William Weeden,
Mr. Edward Smith.

For Providence.

Major John Dexter,
Mr. Jonathan Sprague.
Mr. Joseph Whipple,
Mr. Eleazer Arnold.

For Portsmouth.

Mr. John Coggeshall,
Mr. Abraham Anthony,
Mr. Gideon Freeborne,
Mr. John Ward.

For Warwick.

Capt'n James Greene,
Capt'n Peter Greene,
Mr. Samuell Wickham.
Mr. John Rhodes.

For Westerly.

Capt'n William Champlin,
Lieut. Peter Crandall,
Capt'n Andrew Willett,
Mr. Benjamin Greene.

For East Greenwich.

Capt'n Thomas Fry,
Mr. John Heath.

For James Town.

Mr. Joseph Mowrey,
Mr. John Hull.

For New Shoreham.

Mr. Edward Sands,
Mr. Tho. Rathbone.

Mr. Jonathan Sprague, Speaker of the House of Deputies.
Mr. Nathaniell Coddington, Clerk.

The following freemen were admitted :

Richard Sisson, Giles Slocum, Jun'r, William Freeborne, William Hall, of Portsmouth ; John Underwood, George Thomas, Caleb Carr, Jeremiah Fones, William Carr, of Jamestown ; Mr. Francis Pope, of Newport.

At the Generall Assembly and Election held at Newport, the 5th of May, 1703.

GOVERNOR.

Samuel Cranston.

DEPUTY GOVERNOR.

Walter Clarke.

ASSISTANTS.

Major Henry Tew,
Capt'n Nath'll Coddington,
Major William Hopkins,
Mr. Joseph Williams,
Capt'n Joseph Sheffield,
Mr. Giles Slocum,
Mr. Benjamin Smith,
Capt'n James Greene,
Capt'n Jeoffrey Champlin,
Capt'n John Eldridge.

The following Justices of the Peace were chosen and engaged.

JUSTICES.

For Newport.

Capt'n William Brinley,
Capt'n John Rogers.

For Providence.

Mr. Jonathan Sprague,
Mr. Joseph Jencks,

For Portsmouth.

Mr. George Sisson.

RECORDER.

Mr. Weston Clarke.

SHERIFF.

Capt'n Francis Pope.

GENERAL TREASURER.

Mr. William Hiscock.

GENERAL ATTORNEY.

Mr. Nathaniell Dyer.

MAJOR FOR THE ISLAND.

Capt'n Nath'll Coddington,

MAJOR FOR THE MAIN.

Major John Dexter.

For Warwick.

Mr. Richard Greene.
Capt'n William Champlin,

For Westerly.

Mr. Joseph Clarke,
Lieut. Peter Crandall,
Mr. Tho. Mumford.

For Kings Town.

Mr. William Hall.

This Assembly taking into consideration, that there are severall Majors chosen [for] the main land, and not here to give their engagement to their severall offices, and other immergent occasions for their Majesty's service, attending, our Commissioners to meet with the Commissioners of Connecticut, for settling the bounds between said Collonies if possible, being members of this Court, this Assembly sees cause to adjourn to the 22d of [June 22d, 1703].

Settlement of the boundaries between Connecticut and Rhode Island.

Articles of Agreement made, concluded and agreed upon by and by and between the parties subscribing to these presents, Commissioners chosen, nominated, appointed and commissioned as well for and in behalf of her Majesty's Colony of Connecticut, as her Majesty's Colony of Rhode Island and Providence Plantations, in New England, for the ending, settling, and finally determining of the boundaries or line between the said Colonies, are as followeth, viz. :

That the middle channell of Pawquatuck River, alias Narragansett River, as it extendeth from the salt water upwards, till it come to the mouth of Ashaway River, where it falls into the said Pawquatuck River, and from thence to run a straight line till it meet with the south-west bounds or corner of Warwick grand purchase, which extends twenty miles due west from a certain rock lying at the outmost point of said Warwick Neck, which is the south-easterly bounds of said purchase, and from the said south-west bounds or corner of said purchase, to run upon a due north line, till it meet with the south line of the Province of the Massachusetts Bay, in New England. This to be and for ever remain to be the fixed and stated line between the said Colonies of Connecticut and Rhode Island. Always provided, and it is hereby intended, that nothing in the aforementioned agreement or any clause thereof, shall be taken or deemed to the breach or making void of the fourth article in the agreement made between the Agents for the said Colonies of Connecticut and Rhode Island, viz. : John Winthrop, Esq'r, and Mr. John Clark, for maintaining of property, dated April 7th, 1663 ; but that the same shall be kept and justly performed according to the true intentand meaning thereof ; and that all former grants and purchases granted by or made within either of said Colonies, and all other ancient grants confirmed by the authority of Connecticut Colony within the township of Westerly, in the Colony of Rhode Island, shall be duly preserved and maintained as fully and amply to all intents and purposes, as if they were lying or continued within the bounds of the Colony by the authority of which it was granted or purchased.

In confirmation of all and singular the aforementioned premises, we have hereunto set our hands and seals. Dated in Stonington, in her Majesty's Colony of Connecticut, in New England, in the second year of her Majesty's reign, Queen Ann, by the grace of God, Queen of England, Scotland

France, and Ireland, &c. Anno Domini one thousand seven hundred and three, on the twelfth day of May, in the year above said.*

NATHAN GOLD,
JOSEPH SHEFFIELD,
HENRY CREW,
THOMAS HART,
WESTON CLARKE,

JOHN DEXTER,
PETER BURR,
RANDALL HOLDON,
EBENEZER JOHNSON.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, June 22d, 1703.

Major Samuell Cranston, Governor.

Weston Clarke, Recorder.

Mr. Jonathan Sprague, Speaker of the House of Deputies.

At a Generall Assembly, by adjournment from the 5th of May, 1703, to the 22d June, 1703.

This Assembly having taken into serious consideration the daily trouble, charge and expense that doth attend our Honored Governor, in the execution of his office, in place of trust, in maintaining her Majesty's interest in this her Majesty's government:

Wherefore be it enacted, and it is hereby enacted by this Assembly and the authority thereof, That the Governor shall be allowed for this year ensuing, the sum of twenty pounds, besides his annuall sallary, to be paid out of the Generall Treasury; any Act or Acts, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, and it is hereby enacted, That whereas after a long, tedious and expensive debate between her Majesty's Collony of Rhode Island, &c., and her Majesty's Collony of Connecticut, concerning the bounds between the aforesaid Collonies, the difference

* A true copy of an original document preserved in the State Library at Hartford.

being now finally issued, agreed and determined, as by an instrument under the hands and seals of severall persons being thereunto lawfully called, empowered and commissioned, as by the commissions being produced to this Assembly do at large appear, as well in behalf of her Majesty's Collony of Connecticut, as on the behalf of her Majesty's Collony of Rhode Island, and the which commissions and agreements being allowed, and approved of by this Assembly :

Do therefore order, That the aforesaid commissions and agreement shall be forthwith entered upon the publick records of this her Majesty's Collony ; and that the Recorder shall be allowed pay for the same, out of the Generall Treasury.

Be it further enacted by the authority aforesaid, That whereas Robert Munday presented a petition to this Assembly for the returning of some monies formerly seized for his Majesty's use, the said Munday being suspected for piracy, and this Assembly having perused the records of Court belonging to this her Majesty's Collony concerning the same, do find that by verdict of jury and judgment of Court, that all the monies, goods or chattels seized as aforesaid, was forfeited to his Majesty's use ; the which verdict and judgment of Court hath been since confirmed by an Act of Assembly of this her Majesty's Collony aforesaid, as per the records doth appear. Wherefore, we find no cause to alter the aforesaid judgment, or any part thereof.

And be it further enacted by the authority aforesaid, That Capt'n James Carder, of Warwick, and Mr. John Mumford, of Newport, are appointed surveyors in behalf of the Collony of Rhode Island and Providence Plantations to run the line between her Majesty's Collony of Rhode Island, aforesaid, and the Collony of Connecticut, according to the late agreement between the said Collonies, and that they are hereby fully empowered to employ so many men as they think convenient, to assist them in the premises ; and that Connecticut may have timely notice to choose and empower men for the same ; and that these men who are empowered, may attend said work by joining with them, empowered by the authority of Connecticut,

and perfect and finish said work by the 1st of October next ensuing, and our Surveyors shall be paid out of the Generall Treasury.

And be it further enacted by the authority aforesaid, That no freeholder within this Collony shall be arrested by any person that is not a freeholder in said Collony ; but the said person that shall arrest any freeholder, shall first give into the Recorder's office, double security of what shall be sued for, to prosecute the action, before the writ shall be granted. And that no man, by virtue of a letter of attorney, shall arrest any person in this Collony but shall give in bond to pay all cost and damages the person shall sustain. Provided, the action goes against the plaintiff. And that no attorney shall be admitted to plead in any of our Courts, but what shall be sworn not to plead for favor nor affection of any person, but to the merit of the case, according to the law.

Be it further enacted, That whereas the Queen's Attorney supplied the Recorder's place in that late action between Major Henry Tew and the Recorder, Weston Clarke, that it shall and may be lawfull for the said Queen's Attorney to grant out the execution according to the judgment of Court in that case, and in all other cases in the like nature.

Be it further enacted by the authority aforesaid, That there shall be two inferior Courts of Common Pleas, to be holden on the main land, for her Majesty, early in the county known by the name of Providence Plantations ; and that it shall be held at Providence first, as the shire town ; and next at the town of Warwick. And the first Court of the second year, it shall be holden at Kingstown ; and the fourth Court to be holden at Westerly, and from thence to return to the shire town ; and this to be the order of holding these Courts of Common Pleas.

Be it further enacted by the authority aforesaid, That whereas Jamestown having neglected to choose their military officers at the time appointed by the Generall Assembly Acts, shall, and have liberty allowed their commissioned officers, by virtue of warrant from the major to require them to make their choice at such day as shall be appointed them by him for this

present year ; and for the future, they to observe the Generall Assembly's Acts annually for their choice.

Be it further enacted by the authority aforesaid, That there be an address to her Royall Majesty, supplicating her Majesty that she would be pleased of her great clemency to give and grant the tenths of the four prizes taken from her Majesty's enemies, the French and Spanish vessells subjects, under the French and Spanish Kings, as was lately brought into this port of Newport, now in the hands of the Governor, to be improved upon the fortification in this her Majesty's government, with other things of necessity to be spread before her Majesty.

And the persons that are hereby appointed to draw up the aforesaid address, is his Honor, the Governor, and the Deputy Governor, and the worshipfull Jonathan Sprague, Speaker of the House of Representatives.

Be it further enacted, and it is hereby enacted by the authority aforesaid, That all the monies out-standing of the two hundred pounds levy, and the three hundred pounds levy, and the five hundred pounds levy, shall be forthwith gathered and brought into the Generall Treasury, with all convenient speed.

And be it further enacted, That Major Nathaniell Coddington, Capt'n James Barker and Mr. John Hull, are chosen and appointed to audit the late Generall Treasurer's accounts.

And be it further enacted by the authority aforesaid, That Capt'n John Rogers, Mr. Jonathan Sprague, Mr. John Anthony, Mr. Rich. Greene, and Capt. John Eldridge, they or the major part of them, shall be an audit to audit the Collony's debts. And they shall meet on the second Tuesday in July next, at the house of Mr. Thomas Mallett, in Newport ; and to adjourn from time to time untill they complete the same. And that they shall have three shillings per day for their service for the same, which shall be paid out of the Generall Treasury.

Be it further enacted by the authority aforesaid, That Rhode Island, with the rest of the Islands within the said Colony, shall be a county, by the name of Rhode Island County ; and that Newport be the shire town. And that there be

two inferior Courts of Common Pleas appointed each year ; and that Major Nathaniell Coddington, Capt'n Joseph Sheffield and Mr. Jonathan Sprague, are appointed a Committee to draw up the method and proceedings of said Courts of Common Pleas ; with the times and places of their meeting for the abovesaid Counties of Rhode Island and Providence Plantations ; and to make return thereof to the next Assembly for their approbation and confirmation.

And be it further enacted, That the Acts of this Assembly shall be forthwith published by beat of drum ; and that the said Acts be copied, and copies thereof sent to each town in the Collony within twenty days after the dissolution of this Assembly, by the Recorder ; and he to have six shillings for each copy paid out of the Generall Treasury ; and that upon publication of said Acts, this Assembly is dissolved, and accordingly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Warwick, the 27th day of October, 1703.

Major Samuell Cranston, Governor.

Mr. Benjamin Barton, chosen Speaker.

Mr. Samuell Wickham, chosen Clerk.

Voted, There being a debate in the Assembly whether Christopher Allen was qualified to sit as a Deputy for Kingstown, and both Houses being resolved into a Committee for the debate in the premises, and it was put to vote, and the vote was that he was qualified, and [he was] admitted a Deputy for said town.

Voted, Whereas there was an Act passed in a Generall Assembly of her Majesty's Collony of Rhode Island and Provi-

dence Plantations, sitting at Newport, upon adjournment, the 22d of June, 1703, that the line agreed upon between the Commissioners of this Collony, and the Commissioners of the Collony of Connecticut, on the 12th of May, 1703, should be run and bounded according to said agreement, by the 1st of this instant October, by Capt'n James Carder of Warwick, and Mr. John Mumford, of Newport, which has been omitted ; and this Assembly having considered the premises being of so great an account :

Have enacted, and by this Assembly and the authority thereof it is hereby enacted, That the line between this her Majesty's Collony of Rhode Island, &c., and her Majesty's Collony of Connecticut, according to agreement, as aforesaid, be run out and stated by Capt'n James Carder, of Warwick, Major William Hopkins, of Providence, and Mr. John Mumford, of Newport, or any two of them ; and to begin said work on the 7th day of December next, and so to proceed till finished ; and to take such assistance as they shall think fit, to perform the premises. And the whole charge thereof to be paid out of the Generall Treasury of this Collony ; and to make a return by a draft of said division line under their hands, or the major part of them, to the Governor of this Collony, in order [that] it may be placed in the publick Records of the Collony ; any Act to the contrary notwithstanding.

Voted, Whereas at a town meeting of the freemen of the town of Kingstown, in this Collony, held in said said town, the 12th day of July, 1703, to choose men to lay out highways or roads in said town, and according thereunto the freemen of said town made choice of twelve men, to wit : Henry Tibbitts, William Knowles, Lodowick Updike, Thomas Eldridge, James Newton, John Smith, Christopher Allen, Jos. Case, Benjamin Greene, Andrew Willett, Henry Gardiner, and Baziah Browne, which said persons were engaged and fully empowered to lay out a highway, country road, or roads, in the most convenient place or places, where her Majesty's subjects may pass and repass conveniently ; and what the major part of the twelve persons shall do in the premises, should stand good and authen

tick, as and in obedience to said Act the said persons or the major part thereof have laid out the country road, and marked the same out, as appears by a return under their hands, returned to the freemen of said town and accepted, and have presented the said return to this Assembly for their approbation and confirmation therein.

This Assembly having perused said return :

Enact, and it is hereby enacted, That the road or highway, as it is bounded and laid out by the persons aforesaid, or the major part of them, according to said return, is established, confirmed, and by this Assembly allowed the publick road or highway, for ever through said town, for all her Majesty's liege subjects and people to pass and repass as their lawfull occasions shall admit therein.

And be it further enacted by the authority aforesaid, That the return made in writing under the hands of the persons aforementioned, shall be committed to the publick Records of this Collony ; any Act or Acts, to the contrary hereof notwithstanding.

Whereas, James Bick, of the town of Providence, appealed to this Assembly from a Court of Trialls in September last, against a judgment of Court given against him in favor of Jonathan Sprague, and the matter being debated before both Houses being resolved into a Committee, for the hearing and determining the matter in controversy, and the Assembly having considered and debated upon the plea on both sides, and finding a paragraph in the will of John Sprague, deceased, wherein he left to his three brothers, to wit: Anthony, Samuell, and William Sprague, to issue, as we judge, the matter wherein the action arose between the said Jonathan and said Bick, who married the widow of said John Sprague :

Therefore, it is the judgment of this Assembly, that the said James Bick, shall by the next sitting of the Assembly, bring under the hands of the said three brothers, Anthony, Samuell and William Sprague, or any two of them, their result on the paragraph of their brother John's will, what shall be allowed their brother Jonathan Sprague, for what he did on

his brother John's land at Mendon; and what shall be so obtained of them to be sealed up and attested by a Justice of the Peace, and delivered to the Assembly as aforesaid, that then the matter be fully issued according to said appeal, and execution shall be stopped till the Assembly's determination.

Voted, That the Acts of this Assembly be published in the town of Newport, ten days after the dissolution of this Assembly; and that the Recorder send forth copies of this Assembly's Acts under the Seal of the Collony, to each town, within twenty days, and to be paid out of the Generall Treasury for each copy six shillings; and upon passing this vote, the Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 4th of January, 1703-4.

Samuell Cranston, Governor.

Mr. Benjamin Barton, Speaker.

Mr. Simon Smith, Clerk.

At a Generall Assembly of her Majesty's Collony of Rhode Island and Providence Plantations, convened by the Governor's warrant, to sit in the town of Newport, the 4th day of January, 1703-4.

Voted, An Act to prevent all persons whatsoever from buying or bringing any of the Eastern Indians into this Collony, they being enemies to her Majesty and her Majesty's interest, throughout this country.

Whereas, this Assembly is informed that some persons for lucre of gain have brought into this Collony some of the Eastern Indians, that were lately taken in her Majesty's Province of the Massachusetts, which may prove of very evill conse-

quence, by stirring up other Indians in said Collony, to do mischief; and for preventing the same for the future :

Be it enacted by the Governor and Assistants, and House of Representatives convened in Generall Assembly, and the authority thereof, and it is hereby enacted, That after the publication of this Act, that no person or persons whatsoever, that doth bring any Indians, either man or woman, or child, in any town in this Collony, of said Eastern Indians, on any pretence whatsoever, either for to keep, or sell, on the forfeiture of all such Indian or Indians so brought into any town in said Collony. And if any person shall presume to bring any such Indian or Indians in any town of the Collony, the Justices of the Peace, or any person in authority, to cause him or them to be seized and transported out of the country; and the product of them to go into the Generall Treasury, for the use of the Collony.

Whereas, it is said, there are some of said Eastern Indians, her Majesty's enemies, that are brought into said Collony, and without the knowledge or approbation of her Majesty's authority in said Collony, and contrary to the Acts of her Majesty's realm of England, they are suffered to go at liberty under the pretence of being bought as servants.

Be it further enacted by the authority aforesaid, If any such Indians, being in any town within this Collony, the person or persons who have brought into the Collony, any such Indian, forthwith on the publication of this Act, convey them out of this Collony again. And if any person or persons shall not give due obedience hereunto, all and every Justice or Justices of the Peace in each town, where any such Indian or Indians shall be found, are hereby authorized, commanded and required, to seize all such Indians and send [them] to her Majesty's jail, in the town of Newport, to be under the same condemnation as enacted for any Indians that shall for the future be brought into this Collony. And that the persons that have any such Indians and give not due obedience hereunto, be bound over to the next Generall Assize, to answer according to law for his contempt; any Act or Acts, to the contrary notwithstanding.

An Act for the enabling the Generall Treasurer of this her Majesty's Collony for the collecting, or to order the collecting of all such Collony rates as shall be hereafter from time to time levied upon the inhabitants of said Collony: and likewise for the enabling each town in the Collony for the annuall choice of Assessors for the assessing all rates that shall be assessed on each town in the said Collony.

Be it enacted by this present Assembly and the authority thereof, and it is hereby enacted, That each town within this her Majesty's Collony, from time to time, and at all times, upon their annuall day of election of town officers, shall, and are hereby empowered to make choice of three able, knowing men in each town, for Assessors, or Rate-makers, to stand for the year ensuing, who shall be engaged as all other town officers; they, or the major part of them, in each town so chosen, to make and proportion all town rates, and likewise each town's part of all Collony rates; and they to be allowed for every day's service whilst on the proportioning the rates committed to them to proportion, two shillings and sixpence per day, apiece, to be paid to each of them out of that rate they shall proportion. And each person that shall neglect his duty herein, and hath not lawfull excuse, shall for his defect, pay the sum of forty shillings, and the town shall proceed and choose another; to be paid into the Treasury to whom that rate ought to be paid: and upon defect, to be recovered by the Treasurer, as an action of debt, to be sued and recovered before any two Justices of the Peace, in the town where the delinquent person dwells.

Be it further enacted by the authority hereof, and it is hereby enacted, That from time to time, and at all times hereafter, when and so often as the Generall Assembly of this her Majesty's Collony for the time being, shall assess any rate or tax on the inhabitants of said Collony, that forthwith the Recorder shall, according to said Assembly's Act, send a true copy thereof, under the Seal of the Collony, to the Generall Treasurer for the time being, who upon receipt thereof, shall send an exact and true copy of each town's part to the Town Clerk of

each town ; together with a warrant to each Town Clerk, thereby requiring them to notify the Assessors of each town, that they meet together in each town at some convenient time and place, according to said Assembly's Act ; and there to attend and fulfill the proportion of each town's part of said rates committed unto them as aforesaid.

Be it further enacted by the authority aforesaid, That the aforesaid Assessors or major part of them, upon the finishing of said work, shall forthwith return a true bill or list of each person's proportion of said rate or rates, under their hands, unto the Town Clerk of each town where they are respectively belonging, and said Clerk shall send unto the Generall Treasurer a perfect copy of said bill, under his hand indented, upon receipt whereof, the Generall Treasurer shall grant forth his warrants to the severall Constables of each town respectively in said Collony, commanding them and every of them, to collect and make return all such sums of money thereby committed to their charge for gathering thereof, to himself or successor in said office, according to the time limited in said Act respectively. The Generall Treasurer to be allowed for his Treasurer's fees twelve pence in the pound, according to the former Act of the Collony. The Constables to be allowed twelve pence per pound for their gathering fees, according to former Acts of the Assembly. The Town Clerk of each town, to have for their fees, allowed according to the law of the Collony ordered for scribes in writing. And all the aforesaid fees to be paid out of the Generall Treasury ; and for the collecting of all generall rates, to be paid in the like specie as the rates are to be paid in.

And be it further enacted by the authority aforesaid, That if any Constable or Constables shall neglect their duty in gathering and delivering to the Generall Treasurer the severall sums to them lawfully committed by the said Treasurer, according to the severall Acts made and provided for the gathering the said rates committed to them to gather, the Constable or Constables so neglecting, shall be liable to be sued in an action of debt, in any of her Majesty's Courts in said Collony. And the

said Treasurer to recover said sum or sums due to said Treasurer, on the Collony's behalf, to said Treasurer, with due costs and damages thereunto accruing, and thereunto justly arising; any laws or Acts within said Collony made or provided notwithstanding.

And be it further enacted, All town [rates] to be gathered by the Constables of each respective town, on the same penalty or forfeiture aforesaid. The Town Treasurer of each town to have the same wager in law against the defective or delinquent Constable on the same penalties as abovesaid; and the said Town Clerk and Assessors to be under the same penalties as in the Acts provided for the collecting and gathering the Collony rates. And each Town Treasurer to have their fees according to the custom and fees allowed by each town, according to former custom.

And be it further enacted by this Assembly, and it is hereby enacted, That each Town Clerk in each respective town throughout this Collony, shall annually, after the choice of the severall Constables in each town, and engaged to their offices and places of Constables, within ten days after said choice and engagement, make a return of their names to the Generall Treasurer annually chosen for the Collony, whereby he may be capacitated to grant forth his warrants to them for the gathering the Collony rates, according to the Acts of the Collony, requiring the same.

And if each or any of the Town Clerks for the respective towns shall herein neglect to give and make a return of the names of the Constables so chosen in said town, the delinquent Town Clerk, for his defect therein, shall pay the sum of forty shillings, to be paid unto the Generall Treasurer within one month after his defect in not giving obedience to said Act; and if he or him so neglecting, shall not send in his fine or forfeiture within one month after, then it shall be lawfull for any two Justices of the Peace, or Wardens in any town where such a Town Clerk is found neglective, to take the same by warrant to any Town Constable to make a seizure of the same, and to be apprized according to the laws of the Collony, in all such

cases provided. And the said sum, then, by order of the Justices or Wardens where so taken, to be returned to the Generall Treasurer, for the use of the Collony.

And be it further enacted by the authority aforesaid, That in answer to the severall letters sent to his Honor, our Governor, concerning the boundaries of the Collony of Connecticut and this her Majesty's Collony of Rhode Island, and agreed upon in Stonington town, May 12th, 1703, as under the hands and Seals of the Commissioners chosen by each Collony and fully thereunto empowered, may more fully appear, reference thereunto being had ; and shall be fully kept and maintained in every part and particular, and properly maintained according to said agreement and the true meaning thereof ; and said line to be run according to the Act of Assembly of this Collony, made and provided, bearing date October 27th, 1703.

An Act for all ships and vessells paying of powder, as in said Act is mentioned.

Voted, This Assembly having taken into consideration the great charge the Collony hath been, and [is] likely to be at in the erecting and finishing the fort at Fort Island, for her Majesty's service, and the security of shipping and navigation, do think it reasonable and expedient for the support thereof, that all ships and other vessells trading to this Collony and entering in the office, shall pay something towards the support and maintaining said fort, as is accustomed in other of her Majesty's governments :

Be it therefore enacted by the Governor and Councill, with the House of Representatives, and it is hereby enacted, That all ships and other vessells, those that wholly belong to her Majesty's subjects of this Collony only excepted, which are upward of ten tuns as by their registry, shall be made to appear, that shall after the publication of this Act, come into any part of this government, and shall land, or take fancy goods or merchandize within the same, shall pay for the use and support of said fort into the hands of the Governor, or such other persons as he shall appoint, one pound of powder for every tun said ship or vessell shall contain, according to their

registers as afore premised. Always provided, that if any person concerned in said ship or vessell cannot with convenience pay so much powder, and will in lieu thereof pay money, then there shall be an abatement of six pence in the pound, according to the current and market price, as powder shall then be sold by the barrell in the government.

And be it further enacted, That if one half or more of said ship or vessell shall belong to any of her Majesty's subjects of this Collony, that then there shall be an abatement of one half of what otherways they are obliged by this Act to pay ; and if more than one half or moiety doth belong [to], or is owned by her Majesty's subjects of this Collony, then there shall be an abatement according to her proportion. And for the better execution of this Act, and all other Acts relating to trade and navigation :

It is further enacted, That all masters of vessells shall, before admitted to sale, have a certificate from the Governor or Deputy Governor, in his absence, that he hath complied with all such Acts and orders as by law he is obliged to, the which certificate shall by him be carried or sent to the gunner or chief officer, residing at said fort, which shall be sufficient warrant to such officer to let such vessell pass about her lawfull occasions ; and he is accordingly required to let such vessell pass without molestation. But if any master of a vessell or other, shall presume to sail or pass the fort before he hath first obtained and delivered or caused to be delivered, such certificate as aforesaid, that then it shall be in the power of the gunner or other chief officer of said fort, and they are hereby required to endeavor the stopping and hindering such vessell from sailing or passing said fort, till they shall have produced such certificate as aforesaid. And in order thereunto, the said officer shall first fire or cause to be fired, a shot before the fore-foot of such ship or vessell, and that [if] their be not forthwith a stop or endeavor upon the same, then the said officer shall fire a second shot, as near as he can, right over said vessell ; and if there be no further notice taken of the second shot, the said officer shall use his utmost skill and endeavor to sink or disable such vessell from

proceeding any further ; and what damage shall be thereby occasioned or done, shall be answered by the master or commander of said vessell, as well as for his contempt, besides paying the vallue of six shillings and eight pence money, for every shot that through his presumption shall be fired.

And it is further enacted by the authority aforesaid, That there shall be paid out of said powder or money received on the account of the fort, one shilling in the pound to those that shall receive the same ; and that for such certificate as above premised, there shall be paid one shilling, sixpence whereof, to the gunner or officer of the fort.

And for the better execution of this Act, the Governor is authorized and empowered to give commission or commissions to such officer or officers as may be thought needfull for said fort, with such further instructions as he shall judge meet for her Majesty's service, and the interest of the government, with the advice of the Deputy Governor and Assistants of the Island, relating to the same ; and this Act to be and stand in full force and virtue, any Act or Acts, clause or clauses, to the contrary hereof notwithstanding.

An Act for levying a tax of five hundred pounds on the Collony.

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That the Collony shall be assessed and a rate levied on the said Collony of the sum of £500 for the support of this her Majesty's government ; and each town in the Collony shall pay the severall sums to be assessed on each town as followeth :

Newport, -	£140 12s. 6d.	Jamestown, -	23 15 0
Providence, -	80 00 0	New Shoreham,	13 15 0
Portsmouth, -	87 10 0	Greenwich, -	16 00 0
Warwick, -	28 15 0		
Kingstown, -	82 12s. 6d.		£500 00 0
Westerly, -	27 00 0		

And all the said sums assessed upon each town to be proportioned on the inhabitants according to the usuall custom ; and each rate bill to be delivered to the Constables of each

town, by the last of March next ensuing, and they to gather the same ; and the said rate to be gathered and delivered unto the Generall Treasurer at or before the last of June next ensuing, which shall be paid in money or pay equivalent, according to the Collony's Acts heretofore made and provided ; which said money shall be disposed of for the Collony's use, for the support of the government, by the Governor and Councill's order to the Treasurer.

And be it further enacted, That all the bills signed by lawful authority and due by Acts of Assembly, shall be sufficient discharge for the Constable to the Treasurer, and for the Treasurer to the Collony.

And be it further enacted, and it is hereby enacted, That for the gathering the abovesaid tax, rate-makers shall be chosen by each town according to the usuall custom and usage in each town, and by reason of the election of town officers, &c., will not be before the beginning of June next, in each town.

Be it further enacted by this Assembly, and it is hereby enacted, That all the Collony debts out-standing, due from each town, shall the Constables of each town gather in, which are out-standing by the Treasurer's account, not by them made up with the Treasurer ; and that time being out and relapsed, it shall be by them gathered by the 10th of March next ensuing, and delivered unto the Generall Treasurer. And upon default of the same, the Generall Treasurer shall make return of the names of each Constable so defective herein, to the Governor or Deputy Governor and Assistants at the next Generall Court of Trialls, to be held for the Collony, the last Tuesday in March next ensuing, and there shall go forth writs of distrain to distrain upon each of the estates of the said defective Constables, according to the laws made and provided for the same.

And if any town within the Collony has not made such Collony rates assessed on them by the Collony, the defective persons by law empowered for making and gathering the same, shall be liable to pay such rates by their delinquency in not performing their duty herein, to be distrained and taken from such delinquents according to the Acts of the Collony, provided for

the same, they to be notified to the Court of Trialls for prosecution.

An Act for the raising of scouts.

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That there shall be twelve men in the Collony empowered upon the service of the Collony on such service and expedition as hereof mentioned, viz. : six upon the main land, for scouts, or such other service as the Major and the authority there shall see needfull and proper to be employed therein ; and six men to be for the service of the town of Newport, and the fort, and the other frontier towns and the Islands ; or any such service as the Major and authority there shall see needfull and proper to be employed therein ; all such persons shall be endeavored to be got as volunteers for said service, but if not to be had [as] volunteers, then to be pressed, both on the main land and on the Island, for each service as expressed by the authority as aforesaid ; and the charge that shall arise on said affair, to be defrayed by the Collony ; and that they shall remain under such service untill the present war be expired, or untill further order.

An Act relating [to] the tenths of the prizes taken by Capt'n William Wanton.

Voted, Whereas we have been required by her Royall Majesty, Queen Ann, by the grace of God, over England, &c., for to fortify ourselves for the preserving of her Majesty's subjects in this her Majesty's Collony, in pursuance of which, we, her Majesty's subjects, have been at considerable charge upon said work, and the Governor having received her Majesty's tenths of the prizes taken by Capt'n William Wanton, have laid out great part of the same for great guns and other utensils ; and whereas upon the 22d of June last past, there was an Act of the Generall Assembly in this her Majesty's Collony by an address to her Royall Majesty, supplicating her that she, of her great clemency would be pleased to give and grant the tenths of said prizes, the which address has been sent to be laid before her Majesty, and as yet we have no return of her Majesty's pleasure therein :

Therefore be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That all the money out of her Majesty's tenths, amounting to the sum of £170, as by his Honor the Governor's account to us, being laid out for her Majesty's service as aforesaid, shall remain in the government till her Majesty's pleasure be known; and if it be not her Majesty's pleasure to allow of the same, then it shall be by a Colony rate forthwith raised and returned to his Honor, the Governor, to be delivered as required; and also to reimburse and make good all costs and damages, the Governor may or shall sustain thereby in case he should be molested or troubled for the same; any Act or Acts, to the contrary notwithstanding. An Act to restrict negroes and Indians for walking in unreasonable times in the night, and at other times not allowable.

Voted, Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, If any negroes or Indians, either freemen, servants, or slaves, do walk in the streets of the town of Newport, or any other town in this Collony, after nine of the clock of the night, without a certificate from their masters, or some English person of said family with them, or some lawfull excuse for the same, that it shall be lawfull for any person to take them up and deliver them to a Constable, to be secured, or see them secured, till the next morning, and then to be brought before some Justice of the Peace in said town, to be dealt withall, according to the recited Act, which said Justice shall cause said person or persons so offending, to be whipped at the publick whipping post in said town, not exceeding fifteen stripes upon their naked backs, except their incorrigible behaviour require more. And all free negroes and free Indians to be under the same penalty, without a lawfull excuse for their so being found walking in the streets after such unseasonable time of night.

And be it further enacted, All and every house keeper, within said town or towns or Collony, that shall entertain men's servants, either negroes or Indians, without leave of their masters or to whom they do belong. after said set time of the night before

mentioned, and being convicted of the same before any one Justice of the Peace, he or they shall pay for each his defect five shillings in money, to be for the use of the poor in the town where the person lives ; and if refused to be paid down, to be taken by distraint by a warrant to any one Constable, in said town ; any Act to the contrary notwithstanding.

An Act for fitting the Collony laws for the press.

Voted, That the Governor, Major Nathaniell Coddington, and Mr. Weston Clarke, are chosen a Committee to draw out the Collony laws, and fit them for the press ; and for what reasonable charge they shall be at in doing of the same, the Collony shall pay the charge, and be paid out of the Generall Treasury.

This Assembly having considered the great confusion and disorder of the laws of this Collony, for want of a due record of the same in a book ; in consideration of which, and for amendment of the same :

It hath been voted, To put said laws in print, there being a Committee already chosen by this Assembly to transcribe the said laws and fit them for the press. And forasmuch as it hath been offered by Mr. Abraham Anthony, Capt'n Nathaniel Sheffield, Mr. Richard Greene, and Lieut. James Brown, to see the same performed, viz. : the said laws printed as aforesaid :

Therefore be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That the abovesaid persons, after the said Committee hath fitted said laws for the press as aforesaid, shall have full power and authority to cause the said laws to be printed forthwith as soon as may be conveniently ; and the said persons shall be allowed for their so doing, five pounds out of the Generall Treasury, they returning one printed copy to the Recorder, for the Collony's use.

Vote relative to highways in Jamestown.

Voted, We having viewed his Honor the Governor's petition to yourselves, as comes in course by the last Assembly, referring from Warwick to you, concerning the regulating the

highways, &c., at Jamestown, which wants to be laid forth according to the plot of the Island, and we find it was a proposition of many of the proprietors of Jamestown that Mr. John Mumford, and Mr. James Carder, should be the persons to do the same, and then to make some other survey as to themselves agreed on, and that the highways should be laid out; but some of the inhabitants hath been some hindrance to the laying out the ways, as in not forwarding the same:

We therefore propose that the persons above mentioned have this Assembly's assent to be the men to go forward with the work, and that the said persons by the order of this Assembly finish the same by the last of June next, the time appointed for them to go forward with their work at such time and seasons as may be thought proper by the Committee appointed by the proprietors to see said work done and accomplished, as laid before us by an agreement, dated January the 5th, 1702, viz.:

Samuell Cranston, Esq'r, Capt'n Nicholas Carr, and Capt'n Josiah Arnold, the time hath been of long continuance, and the people much detrimented for want of said regulation, and your Act herein may we judge, makes a finall issue of said long contention between many of the inhabitants for want of due and orderly ways stated, act as that they may each man fence his land and walk, without damnifying his neighbor on the highways; that the charge be borne by the proprietors accordingly.

Case of Jonathan Sprague and James Bick.

Voted, Whereas there hath been a long difference depending between Jonathan Sprague, plaintiff, and James Bick, defendant, the plaintiff obtaining two verdicts against said Bick, one in March last, and the other in September last, for the sum of nine pounds, ten shillings, and judgments of said Courts therein; and the said Bick appealed to the Generall Assembly sitting at Warwick, the 27th of October, 1703, where the said Assembly gave their opinion, as by said Act will appear; and there being reference to this Assembly for the finall issue; upon de-

bate of both parties in said Assembly, it was the vote of this Assembly that execution should go forth against the said James Bick, for the sums aforesaid.

An Act for fining the Assistants of this Collony for non-appearance at the Generall Assemblys.

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That for the future, there shall be a fine of six shillings for each day's neglect, upon such Assistant of this Collony that shall not appear at any Generall Assembly or Generall Court of this Collony, being thereunto lawfully notified ; the same fine of six shillings, to be paid by any Assistant that shall appear at any of said Courts for each day's neglect absenting himself from said Courts without leave of the Assembly. Always provided, that if any said Assistant shall make a lawfull excuse for [his] so absenting himself, then the said fine shall be remitted ; otherwise [he] shall pay said fine of six shillings, to be taken in the same nature as the Deputies' fines are taken ; any Act or Acts, to the contrary notwithstanding.

Voted, And it is further enacted, That the Honored Governor, with the Deputy Governor, write over for England, to our Solicitor or Agent, to encourage him in the Collony's affairs, &c. ; and what reasonable charge their Honors shall be at, or what they shall proffer said Solicitor or Agent, on the behalf of the Collony, the Collony shall make good, and stand by their Honors, and discharge them in the premises.

Voted, That the Recorder shall draw copies of all the Acts made in this Assembly, and send to each town a copy, under the Seal of the Collony within twenty days after the dissolution of the Assembly ; and for his so doing, he shall be allowed out of the Generall Treasury, twelve shillings for each copy ; and that the Acts of this Assembly be forthwith published at the Collony House, in the town of Newport, under the Seal of the Collony, by beat of the drum, and the Assembly to be dissolved.

Proceedings of the Queen in Councill on the Affairs of Rhode Island.

At the Court at St. James's, the 12th of February, 1704.

Present, the Queen's Most Excellent Majesty, his Royall Highness, Prince George of Denmark.

Lord Keeper,	Earl of Berkeley,	Mr. Boyle,
Lord President,	Earl of Abingdon,	Mr. Comptroller,
Lord Privy Seal,	Earl of Bradford,	Mr. Secretary Hedges,
Lord Steward,	Lord Ferres,	Sir George Rooke,
Duke of Somersett,	Lord Paulet,	Mr. Vernon,
Lord Chamberlain,	Lord Dartmouth,	Mr. Smith,
Earl of Thanet,	Lord Coningesby,	Mr. How.
Earl of Radnor,	Mr. Speaker,	

Her Majesty having had under consideration this day at the Board, a Report from Mr. Attorney and Mr. Solicitor Generall, upon an extract of a Representation from the Lords Commissioners of Trade and Plantations of the state of the Provinces of the Massachusetts Bay and New Hampshire, in New England, according to advices received by the said Lords Commissioners, by letters from the Governor of those Provinces, wherein complaint is also made of the Charter governments of Rhode Island and Connecticut, in New England; and her Majesty having thereupon heard as well Mr. Attorney, as Mr. Solicitor, as the Agents of Rhode Island and Connecticut, who have humbly prayed further time to answer the matter of fact alledged against the said Charter governments, to the end they may receive the necessary proofs upon oath, with further instructions from thence. Her Majesty, in her Privy Councill, is pleased to order, as it is accordingly hereby ordered:

That the Lords Commissioners of Trade and Plantations do prepare a charge against the said governments, a copy whereof is to be given by them to the said Agents respectively, in order to their answer, with the proper evidence to be laid before her Majesty at this Board, within six months from the date hereof, and that copies be likewise sent by the said Lords Commissioners to her Majesty's Governors of the Massachusetts Bay and New York, who are likewise to send copies thereof, to the respective Governors of Connecticut and Rhode Island, for their answer as before mentioned; and that the said Governors of the Massachusetts Bay and New York, do likewise transmit to this Board, depositions taken in the most publick manner, upon oath, to the truth of the severall matters laid to the charge of the said Charter governments, within the time afore directed.

JOHN POVEY.

Governor Cranston to Governor Dudley.

Newport, on Rhode Island, February 28, 1704-5.

Sir: I have once more laid her Majesty's letter as well as your Excellency's (relating to the assistance of men, &c.), before our Generall Assembly sitting the 14th

current, who have ordered the raising of one company of men, to the number of forty-eight, to be always ready for the Collony's service, and if occasion require, for the assistance of our neighboring Province and Collonies. The Assembly have also appointed Major John Dexter, Major Nathaniell Coddington and Capt'n Joseph Sheffield, or any two of them, Commissioners, to treat with the like number of Commissioners that may be appointed by your Excellency's authority (if by you approved of), for the settling the ways and methods how the respective forces, sent to the assistance of each government shall be supported, supplied and disposed of, with what else may be thought most reasonable for her Majesty's interest and safety of her subjects; and that what shall be agreed upon by said Commissioners, to be binding to each government.

Upon the request of the Assembly, I give your Excellency the foregoing account of their proceedings, who also do request if what they have done, be complied with, that your Excellency will be pleased as soon as you shall think convenient, to appoint the like number of Commissioners to have full power with ours, to settle what is premised, and that your Commissioners that may be appointed, do appoint the time and place of meeting as near the division of the government as they may judge most suitable, and give notice thereof to the Commissioners of this Collony, who will attend accordingly.* I have not further to offer, but that

I am your Excellency's most humble servant,

SAMUEL CRANSTON.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, May the 2d, 1704.

Major Samuel Cranston, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Henry Tew,
Major Nath'll Coddington,
Major William Hopkins,
Mr. Joseph Williams,
Capt'n Joseph Sheffield,

Mr. Giles Slocum,
Mr. Benjamin Smith,
Capt'n James Greene,
Capt'n Jeoffrey Champlin,
Capt'n John Eldred.

* J. Carter Brown's Manuscripts, Nos 416 and 417, Vol. VI.

DEPUTIES.

For Newport.

Mr. Benjamin Newberry,
 Mr. Jeremiah Clarke,
 Mr. John Holmes,
 Capt'n John Rogers,
 Mr. Thomas Gould,
 Mr. Edward Smith.

For Providence.

Mr. Joseph Whipple,
 Lieut. Jonathan Knight,
 Mr. James Angell,
 Mr. Stephen Arnold.

For Portsmouth.

Mr. Isaac Lawton,
 Mr. Joseph Cooke,
 Mr. Benjamin Hall,
 Mr. Thomas Cornehill, Jun'r.

For Warwick.

Mr. Job Greene,
 Mr. Samuell Greene,
 Mr. Samuell Wickham,
 Mr. John Rhodes.

For Westerly.

Mr. Joseph Clarke,
 Lieut. Peter Crandall.

For Kings Town.

Mr. Thomas Eldred,
 Capt'n Edward Greenman.

For East Greenwich.

Mr. George Vaughan,
 Mr. Thomas Spencer.

For James Town.

Mr. Joseph Mowrey,
 Mr. Edward Carr.

For New Shoreham.

Mr. Tho. Rathbone.

Capt'n John Rogers, Speaker.
 Mr. Edward Carr, Clerk.

William Coddington, William Peckham, Jun'r, Henry Tew, Jun'r, Ezekeiell Bull, Samuell Walkman, Benjamin Coggeshall, John Cranston, Benjamin Cranston, John Holmes, Jun'r, James Barker, Jun'r, John Thare, Jonathan Barney, Samuell Rogers, William Brightman, John Mumford, John Seagers, Edward Thurston, Jun'r, John Headley, Sion Arnold, John Scott, John Brown, Joseph Peckham, of the town of Newport, all accepted freemen of the Collony.

Israell Arnold, Jun'r, Benjamin Gorton, Anthony Low, Peter Greene, Jun'r, Moses Lippit, Thomas Remington, Malachi Rhodes, Peter Stone, Andrew Barton, all of the town of Warwick, admitted freemen of the Collony.

Major Henry Tew, Major Nathaniell Coddington, Capt'n Joseph Sheffield, Mr. Joseph Williams, appointed to open the proxvive votes.

Capt'n John Rogers, Mr. Joseph Whipple, Mr. Joseph Cook, Mr. Job Greene, are appointed to receive the votes and put them in the hat.

Mr. Job Greene, chosen Speaker.

Mr. Edward Carr, Clerk.

At the Generall Assembly and Election held at Newport, the 3d of May, 1704.

The following were then chosen, and severally engaged.

GOVERNOR.

Samuel Cranston.

DEPUTY GOVERNOR.

Walter Clarke.

ASSISTANTS.

Major Henry Tew,
Major Nath'll Coddington,
Major William Hopkins,
Mr. Joseph Williams,
Capt'n Joseph Sheffield,
Mr. Giles Slocum,
Mr. Job Greene,
Mr. Richard Greene,
Capt'n Jeoffrey Champlin,
Capt'n John Eldridge.

RECORDER.

Mr. Weston Clarke.

SHERIFF.

Capt'n Francis Pope.

GENERAL TREASURER.

Mr. William Hiscock.

GENERAL ATTORNEY.

Capt'n Joseph Sheffield.

MAJOR FOR THE ISLAND.

Major Henry Tew.

MAJOR FOR THE MAIN.

Major John Dexter.

The following Justices of the Peace were chosen and engaged.

For Newport.

Capt'n William Brinley,
Capt'n Nathaniell Sheffield,
Capt'n John Rogers.

For Providence.

Capt'n Thomas Fenner,
Lieut. Samuell Wilkinson,
Lieut. Joseph Jencks,

JUSTICES.

For Portsmouth.

Mr. Benjamin Hall.

For Warwick.

Mr. Randall Holden.

For Westerly.

Capt'n William Champlin,

Mr. James Noyes.

Mr. Peter Crandall.

For Kings Town.

Mr. Tho. Mumford.

Mr. William Hall.

For East Greenwich.

Capt'n Thomas Fry,

Lieut. John Spencer.

James Clarke, chosen Sealer, Packer and Gauger.

Mr. Job Greene, being chosen an Assistant and engaged,
Capt'n Edward Greenman was chosen Speaker in his room.

An Act for the assessing the Collony in the sum of £700.

Whereas, there is a great occasion of raising a certain sum of money for the defence of her Majesty's interest in said Collony, and paying the volunteers that are gone out on her Majesty's service to the eastward, against the French and Indians, her Majesty's enemies :

Be it therefore enacted by the Hon'ble Sam'll Cranston, Esq., Gov'r, with the Assistants, and House of Representatives convened in Generall Assembly, and it is hereby enacted, That there shall be a rate assessed on the Collony of the sum of £700 money, or pay equivalent to money each specie as herein mentioned ; and for the proportioning each town the[y] are as followeth :

Newport,	£196 17s. 6d.	Westerly,	- £38 10s. 6d.
Providence,	112 00 0	Jamestown,	32 04 0
Portsmouth,	122 10 0	Greenwich,	- 20 13 0
Warwick,	- 40 12 0	New Shoreham,	21 00 0
Kingstown,	155 13 6		
			<hr/>
			£700 00 0

And be it further enacted, That all which sum of money assessed on each town shall be paid in money or sheep's wool, at nine shillings per pound ; Indian corn, at two shillings per bushell ; barley, at twenty pence per bushell ; oats, at one

shilling per bushell ; rice, at two shillings, sixpence per bushell ; wheat, at three shillings, and eight pence per bushell.

And be it further enacted by this Assembly and the authority thereof, That according to the Assembly Acts passed at Newport, the 4th of January last, ordering and stating a way for the making and gathering all Collony rates, shall be observed, and that after the 1st of June next ensuing, is past, and rate-makers chosen in each town and engaged, that they or the major part of them, in each town, so chosen, shall have untill the last of July next ensuing, to make and proportion each town rate, and make a true return under their hands of each rate in each town, to the Town Clerk of each town, to make a return of a true copy of each bill under his hand, within ten days to the Generall Treasurer ; who also by [the] last of August next ensuing, according to the Collony Acts, shall grant forth his warrants to the severall Constables of each town respectively in said Collony, for the gathering the same ; and they, or each of them, in each town in said Collony, shall gather the rates required by them to gather, and make a return thereof to the Generall Treasury, in the town of Newport, by the 20th of October next ensuing.

And be it further enacted by the authority aforesaid, That the rate-makers so annually chosen in each town, shall set up or cause to be set up in some publick place in each town ten days before they go on the proportioning the rates, two or more orders under their hands, or the hands of the major part of them, requiring each person in each town, to bring in by such a set day, a true copy and account of their rateable estate (by them signed and ready if required to be attested) ; and all and every person that shall not bring in his accounts to the rate-makers by the day appointed, shall have no redress if he should be over-rated by his neglect.

And be it further enacted, That the rate-makers, each or any of them annually chosen in each town, shall have power and hereby are empowered to give each person his engagement to his list returned to them, which shall be in these words following :

You, A. B., do, on your solemn engagement, hereby declare the accounts and list as you present of your estate, is the whole and true account of all your rateable estate, as to your knowledge you know of (or is in your care and custody), and this you declare to be the truth, and nothing but the truth, upon the perill of the penalty of perjury.

And be it further enacted by the authority hereof, That in taking of all debates concerning what is rateable estate, all rateable estate is known and declared by an Assembly Act, in the year 1698, and is to be found in the hands or custody of each Town Clerk's office in the Collony, whereby every person in each town in the Collony as is not knowing what is rateable estate, may receive satisfaction and knowledge therein. And all pleas of not knowing in what is rateable estate, may be taken off.

And be it further enacted, That according to the way and proscription ordered and enacted at a Generall Assembly, held at Newport, the 4th of January last past, for the Generall Treasurer's gathering in the Collony rates to the Town Treasurers in each town in the Collony, is hereby required and empowered to take the same measures and means for the gathering all town rates annually assessed on any or each town in the Collony, and the Town Treasurers of each town, have hereby full power and authority to use all such methods as the Generall Treasurer is empowered in sending forth their warrants and gathering the same; and to be allowed all costs and fees, according to the laws and town Acts for the same.

And be it further enacted by this Assembly, That the Town Clerks of each town annually chosen, make returns to the Treasurer of each town annually chosen, of all the rates and taxes annually assessed on the towns, and to follow all usages and orders, as [are] prescribed for them in returns to the Generall Treasury.

And be it further enacted by this Assembly and the authority thereof, That all the within mentioned sums of money when gathered and sent unto the Generall Treasury, shall be taken out for the use within mentioned, and paid out by the Generall

Treasurer by an order from the Governor for the same; or in his absence, by an order from the Deputy Governor, with the advice of the Councill therein, as to what is paid out on the account of the volunteers sent out by the Collony, or paid out for any other publick use.

Voted, Whereas this Assembly having taken into consideration the great charge and trouble drawing or renewing the severall Commissions to the Justices of the Peace in each town in the Collony annually chosen, and all the commissioned officers belonging to the militia, and that each person in commission, both the civill and military not put out of their places under commission, and so annually chosen that their commission once given forth, and they or any of them in commission so annually chosen by the power, and elected by the authority according to Charter, the commission of all and every such person so chosen, might continue still annually for each year, without bringing his commission for any further confirmation. Always provided, the same Governor continue in office that gave them forth.

And for that end, be it enacted by this present Assembly, and the authority thereof, and it is hereby enacted, That for the future, without any Assembly shall see cause to repeal the same, that all persons annually chosen in any town in the Collony, in the place of a Justice of the Peace, or any chosen commander in the militia, and hath power and lawfull commission for the same, and is annually chosen, all such persons so annually chosen, and once so commissioned, each person so commissioned, his commissions shall continue and be in full power and force for said year, from year to year, without any further renewing on the forced premises. Yet it is always intended, every Clerk of every company throughout the Collony, shall make a due return to the Governor of each commissioned officer so chosen in any Company in any town in the Collony. Notwithstanding, it is the intent of this Assembly, that all commissioned officers annually chosen, shall take their engagement before some Assistant, Justice, Conservator, or Warden of said Collony.

An Act relative to tonnage duty.

There is a clause of an Act passed at a Generall Assembly of this Collony, at their general sessions, sitting in Newport, Jan'ry the 4th, 1703-4, that all vessells that doth not belong unto this Collony, that shall lade or unlade within the same, shall pay a pound of powder for each ton, or the vallue thereof, as powder should be sold by the barrell, only sixpence in the pound abated, if they pay money, as is more at large set forth in said Act.

This Assembly having taken the premises into their serious consideration, do find as powder is now sold, it will amount to a considerable sum more than the reall intent of said Act, and being willing and desirous to promote and encourage trade and navigation with as little charge as reasonably may be, to the promoters thereof, so that there may be something paid for the support of the fort, which is chiefly for the security of shipping, &c.:

It is therefore enacted by this Assembly and the authority thereof, That the clause of the aforesaid Act, where it is said that there shall be one pound of powder paid or the vallue thereof, as powder shall be sold by the barrell, with sixpence abatement upon the payment of money, is hereby repealed and made null and void; any Act, clause or clauses, to the contrary notwithstanding.

And it is hereby further enacted by this Assembly, That all vessells as is set forth in the afore-recited Act of January 4th, 1703-4, that are under the aforesaid obligation of paying powder or money, shall for the future pay one pound of powder, or one shilling in money per ton, in lieu thereof, according to said Act; only excepted, such new ships or vessells as are or shall be built in any of her Majesty's governments of New England, that shall come into this Collony, to fit their said vessells, or lade; not having made any voyage. And all coasters or traders, that shall bring grain or provisions from any of the said governments into this Collony for the supply of the inhabitants, the which said new ships or vessells and coasters or traders, as aforesaid, shall be wholly quit and free from paying the said

pound of powder or one shilling per ton ; and shall be under no obligation for the same ; any Act or Acts, clause or clauses, to the contrary notwithstanding.

An Act for the survey of Canonicutt.

Whereas, Capt'n James Carder, and Mr. John Mumford, who were appointed by an Act of the Generall Assembly of this Collony, sitting in Newport, January 4th, 1703-4, for the surveying and laying out the severall highways, farms and enclosures upon the Island of Canonicutt, alias Jamestown, according to the originall plot thereof, have made their return unto this Assembly, by a draught under their hands, upon their engagements ; and we finding by the major part of the proprietors of said Island, signed by John Hull, Clerk of a proprietors' meeting, at said Canonicutt, April the 24th, 1704, that what hath been done and presented to this Assembly, is kindly accepted by them, &c.

It is therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That what hath been done by said Carder and Mumford, and the draught that they have presented for the settling and stating the highways, &c., on said Island of Canonicutt, shall be allowed of, and is hereby allowed of as a true and just draught ; and we do hereby order and require all the proprietors and inhabitants of said Island of Canonicutt, to remove and place their fences to the lines according to the said draught of said Carder and Mumford, at or before the last day of November next ; except such fences as will be of no use, which was agreed on by the proprietors' leaving bars and gates for their neighbors' use.

And it is further ordered by said Assembly, That all the proprietors of said Island of Canonicutt, shall pay each proprietor according to his proportion or quantity of land, towards the charge and satisfaction of said Surveyors, for their service and trouble in the aforesaid surveying.

And it is further ordered, That the draught presented to this Assembly by said Carder and Mumford, relating to the aforesaid land of Canonicutt, or a true copy, attested under

their hand, be placed upon the Generall Records of this Collony, to prevent future trouble and difference.

An Act for ascertaining the wages to be allowed for the soldiers in her Majesty's service at Fort Island, in the town of Newport, &c. ; as likewise for ascertaining the wages of the six men appointed, or to be appointed from time to time, for scouts on the main land in this Collony, &c.

Be it therefore enacted by the authority aforesaid, That all soldiers, either impressed or volunteers, which shall from time to time serve her Majesty at Fort Island, above said, shall be allowed by the Collony the sum of twelve pounds per annum, besides his diet and arms, and to be under the command as other her Majesty's garrison soldiers.

And be it further enacted by the authority abovesaid, That the six men to serve as scouts on the main land in said Collony, shall be allowed by said Collony to each man the sum of three shillings per day, during their service, they and every of them finding themselves sufficient arms, ammunition and horses, and provisions during said service ; said scouts to be appointed by the Major and Assistants on the main land, or any four of them, out of the severall Train Bands, belonging to the towns of Providence, Warwick, Greenwich, and the North Company of Kingstown.

Always provided, and it is hereby enacted, That the gunner for the fort, on Fort Island, shall be allowed for his service by the Collony, the sum of fifteen pounds per annum, besides his diet and arms.

Voted, There being an Act of a Generall Councill of War, held at Kingstown, the 15th and 16th of March past, that the Major on the main land, with the civill and military officers, shall erect all such garrisons as they think meet. And also the Governor and Major, or with the civill and military officers on the Islands, have like power to erect all such garrisons as they think meet.

Be it enacted by this present Assembly, That the above Act is repealed ; and if any town in this Collony should have a mind to build a garrison in their towns, they shall build it at

their own cost and charge ; and also all the rest of the above-said Acts of the Councill of War, shall stand and remain good and lawfull.

Voted, Whereas there was an Act passed at the last sessions the 4th of January, that the Governor, Major Nathaniell Coddington, and the Recorder, should draw out the laws of the Collony, fit for the press ; and since the Governor being concerned with much publick business, could not well attend the premises, and that others wanting assistance, this House judge it convenient that Major Henry Tew and Capt'n Joseph Sheffield, be added to the former, to finish the same, with all expedition.

Voted, Whereas there is some barley in the Generall Treasurer's hands, belonging to the Collony, which will not sell at the price set by Act of Assembly :

Wherefore, the opinion of this House is, that the Treasurer shall have full power, with the advice of the Governor, to sell said grain at such prices as he shall have opportunity, for the Collony's interest.

Voted, Whereas Isaac Heirs has entered and appealed to this Assembly from a judgment of a Court of Trialls, held at Newport, the last Tuesday in March last, 1704, for reverse of said judgment, given at Court, and the Assembly having truly considered his reasons of appeal, see no cause to reverse the verdict of jury and judgment of the aforesaid Court ; but it shall be of full force : and that execution shall not be stopped, but go forth according to law.

Voted, Whereas Capt'n Josiah Arnold has presented a petition to this Assembly, complaining that the Wardens of Jamestown, to wit : Capt'n Nicholas Carr, and Daniell Coggeshall, refused him his appeal from a judgment given by them, for detaining a dog of Thomas Parker's, and the allegations of both parties being heard in said Assembly, the opinion of the Assembly is, that the said Capt'n Josiah Arnold hath lost the benefit of the appeal, for not demanding the same upon paying the judgment awarded by said Wardens, during said Court.

Voted, That the severall Acts passed in this Assembly, be

forthwith published, under the Seal of the Collony, at the Collony House, at Newport, by beat of drum ; and that the Recorder send forth copies of said Acts according to law to each town in said Collony, by the last day of this instant, and to have for his pains and trouble therein, the sum of ten shillings for each copy out of the Generall Treasury ; and that upon the publishing said Acts as above said, this Assembly be adjourned untill the last Tuesday in August next, to the Collony House, in the town of Newport ; except the Governor, or in his absence, the Deputy Governor, shall see cause to call it sooner.

[There is no record of a session of the Assembly in August, alluded to above.]

The Governor and Company of Rhode Island to the Board of Trade.

Right Honble : The 5th of July last, we received a Packet from your Lordships, wherein was enclosed your Lordpps Letter Bareing date from Whitehall, March the 17th, 1703-4, with two letters from her Majty, our dread Sovereign ; one, relating to the Admiralty, with her Majty's Comands thereon ; the other, relating the Repealing and nullifying an Act passed in this her Majesty's Collony, the 7th of January, 1694, for the stateing an Admiralty Court within the same, with her Majty's further pleasure thereon, signifying our Refusing to yeald obedience to the Admiralty Corts, &c., and not permtng the Collector & Receiver, &c., to have any thing to do therein ; and in perticuler, in the case of a ship of £5000 value, carried into this Collony, which was not permitted to goe into her Comission Port, &c. ; one other letter from the Council Chamber, bareing date the 28th of January, 1703, signifying your Lordships Representation, relating to the irregularities practised in this Collony, &c., with her Majtys and Councils order for the Repealing the aforesaid Act ; one other letter from the Right Honble Earle of Nottingham, one of her Majtys Principal secretarys of State, by her Majesty's comand, for the continueing the Trade & Comerse with the Spaniards in America, all which we do acknowledge the Rect. of as abovesaid, with her Majtys Declaration for Incouragmt of Ships of Warr and Privateers, with a Gazet incerting the mistak in said Declaration.

May it please your Lordships (with humble submission to all her Majty's Royall Comands) we cannot be silent in matters of such greate importance, wherein we have bin rendred Contemners and Obstructors of Her Majty's Law and the due execution thereof.

And in the first place, we shall give your Lordps. a right understanding as to the above recited Repealed Act ; in the year 1694, one Capt'n Hoar, Commissionated from Jamaica, brought a French prize into this Governmt, praying Condemnation of the same, there being no Judges nor other Officers at that time appointed by her Majtys high Cort of Admiralty in these parts of America, the authority hear deem-

ed that there was a necessity in that time of warr, for the encouragm^t of his Maj^ts subjects, against the comon Enemy, to give them what relief & dispatch they could, and altho' not expressly worded in our Letters Pattent, the erecting any such Cort, yet it was concluded, we might by virtue thereof state such a Cort untill his Maj^ts pleasure should be further known, or untill there should be a Judg and Officers appointed by the Admiralty for the houlding such Courts in this Collony, all which we humbly layd before his late Maj^ty, King William, of Blessed memory, in our letter, bereing date May the 4th, 1698, and since there hath bin Judges and Officers appoynted by the Admiralty within this Collony for the houlding Courts for condemnation of prizes & other marin affairs within the cognizance or Jurisdiction of the Admiralty, we have yelded all due and submissive obedience thereunto, giveing our assistance therein when desired, without the least obstruction to any Officer, neighther have we resumed to exercise any authority by vertue of the afore-said Act in 94, since the first settling a Judg and Officers by the Admiralty, within this her Maj^ts Collony (whatever hath bin represented to the contrary) neighther have we anyways obstructed the Collector or Receiver at any time in the execution of his Office, since he hath had a Comission for this Government, but have redily submitted thereto, and we hope her Royall Maj^ty and your Lordships, will pardon us, wherein we do not submit to any authority but what shall have lawfull and imediate Comission to Exercize the same within this Collony; for we do hould ourselves (as we have allwayes done) accountable to the Imperiall Crown of England for all our actions and proceedings, when thereunto caled, and to none other but such as shall be lawfully comissionated from the same, secondly we shall endeavour to give your Lordships an Impartiall acct relateing our proceedings about the ship (which hath bin Represented to be £5000 value) brought into this Governmt, wherein we are accused for detaining the same, and not permitting the sd ship to goe to her Comission Port. If we may have the like credit with your Lordships (which we doubt not) as our adversaries hath had, we question not, but your Lordps will be convinced that her Maj^ty hath bin misinformed by misrepresentations, and for your Lordships better informacion and understanding, we have herewith sent copyes of the whole proceedings about said ship, as firstly the Captns Request or Petision to the Govr for the condemnation of said Prize ship, 2, a copy of the Govrs letter to the Deputy Judg of the Admiralty then in Boston, relateing the same, 3d, a Copy of a Peticion to the Govr for the aprising of sd ship & cargo after condemnation. 4ly a Copy of the Govrs Warrant to the Aprizers, 5ly a Copy of the Praizers return under their hands and seals upon oath, 6ly Captn Lawrence his Deposition about sd Prize, and that your Lordships may be further informed of all sircumstancis, and especialy the Govrs taking upon him the authority of appointing appraizers, and receiving the Lord High Admirals dues of sd ships (for which we have grounds to suspect) we were acused for obstructing the Collectr, and Receiver, by Reason one Mr. Coleman a Mercht in Boston, who was by the Commissrs of the Prize Office, comisionated for the recouering the Lord High Admirals dues within the Province of the Massachusetts Bay, did by vertue of sd Commissn endeavor to extend his authority within this Governt; but this Her Maj^ts Colony not being incerted in sd Commission, we did deem our selves not obliged, nor safe to submit thereunto, not knowing but som other person might have a perticuler Comission for the same, as in his late Maj^ty's reign, one Robinson by vertue of a Comission recd his Maj^ts dues within this Collony, and in a short time after one Georg a Mercht in Boston produced another Comision more authentick which put the then Govr to considerable

charge in sending after sd Robinson to Virginia to recover back what was paid him to answer sd George ; so that we hope her Royall Majty or your Lordships will not impute it to any contempt in us for not submitting to sd Coleman or any other without a perticuler Comision for this Govrnt, the Govr deemed himself wholly responsible and accountable to answer when thereunto called by a Lawfull Comission for this Government, which he hath readily don to sd Coleman upon his produseing a second Comission, wherein this Collony was incerted. We humbly beg your Lordships excuse in giveing you the trouble of this rude, tho' just and impertiall acct & wherein we have ered in any perticuler, in method or stile, we crave her Majts gracious pardon for the same, and for what our adversaryes have represented or insinuated against us, we pray God to forgive them, and judg between us and them, how unjustly they represent things (in prejudice) thereby to procure her Majts and your Lordships displeasure against us, endeavoring by the same to eclips us of our our privileges, for we are bould to say that our adversaryes seek not her Majts and Nations intrest so much (in what they have don, and dayly endeavor to do against us) as they do their own private intrest and sinister ends, and that her Majts subjects may have no place to harbor in, but what shall be under such circumstances as they shall be pleased to impose upon them, if under their power and jurisdiction. But we bless and praise almighty God, who hath thro' his infinite mercy and goodness set upon the Imperiall Throne over us, a gracious Princia, throw whose great Justice and wisdom we doubt not but to be preserved, and maintained in all onr just rights & preveleges, notwithstanding all the endeavours that are made to the contrary, by those who would have don well to cast the Beam out of their own Eyes, before they had pretended to spye a moate in ours, for we are nowayes guilty of exacting upon any of her Majts subjects to maintain our own greatness, but what we have don hath been purely to serve her Majty and to encourage her subjects agst the common Ennemy ; not seeking our own intrest or gain, and for our justification therein, do apeal to the great and omnipotent judg who knows all our ways and actions, to whom, we also, in the first place comit our case ; secondly to our most gracious and Dread Sovereign, and Thirdly to your Lordshps, to whose great goodness, mercy and Justice, we shall submit ourselves, humbly praying your Lordships once more to pardon our boldness & for imposing upon your Lordps the trouble of these Long and unpolished lines, also praying (that as we are her Majtys subjects) we may not be sentenced or condemned for anything that may be hereafter represented against us, or until we have had a hearing in answer to the same.

So praying that God Almighty will bless her Majty and Grant her Long to reign over us, & prosper her in all her Great & Glorious actions & Enterprizes, & that she may be still victorious over all her Enemyes, we also pray for your Lordps health & prosperity, and that it will please God to inspire you with Wisdom & understanding, whereby to discern between the just & unjust, that your Lordps may give a True & Impartiall judgment in all matter cognizable before you is the desire of her Majties Faithfull and Loyall (tho' Poore & despised) subjects, & your Lordps humble servants and supplicants.—The Gov & Compy of her Majts Collony of Rhode Island & Providence Plantations in N. Engld.*

Signed per order, WEST. CLARKE, Secry.

Newport, Septr the 25th, 1704.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Providence, the 25th day of October, 1704.

Major Samuell Cranston, Governor.

Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Henry Tew,
Major Nath'll Coddington,
Major William Hopkins,
Mr. Joseph Williams,
Capt'n Joseph Sheffield,

Mr. Giles Slocum,
Mr. Job Greene,
Mr. Richard Greene.
Capt'n Jeoffrey Champlin,
Capt'n John Eldred.

DEPUTIES.

For Newport.

Mr. Jeremiah Clarke,
Capt'n John Rogers,
Capt'n William Weeden,
Mr. James Coggeshall,
Mr. Jonathan Barney,
Mr. John Scott.

For Providence.

Major John Dexter,
Lieut. Joseph Jencks,
Capt'n Thomas Fenner,
Mr. Gideon Crawford.

For Portsmouth.

Mr. John Burden,
Mr. Abraham Anthony,
Mr. Gideon Freeborne,
Mr. William Earle.

For Warwick.

Mr. Benjamin Barton,
Mr. Randall Holden,
Capt'n James Greene,
Lieut. Simon Smith.

For Westerly.

Mr. James Noyes,
Mr. John Lewis.

For Kings Towne.

Capt'n Andrew Willett,
Mr. John Fones.

For James Towne.

Mr. Daniell Coggeshall,
Mr. David Greene.

For East Greenwich.

Mr. John Spencer,
Mr. Pardon Tillinghast.

Major John Dexter, chosen Speaker of the House of Deputies.

Lieut. Simon Smith, chosen Clerk of said House.

Voted, That both Houses be resolved into a Committee to hear and determine the severall appeals to this Assembly.

Andrew Barton, appellant to this Assembly from a verdict of jury and judgment of Court recovered against him by Benjamin Greene, appelee, at a Court of Trialls, in September last past, in an action of rehearing; and upon the debate before the Assembly, the persons agreed as followeth:

That the said Barton is to pay or cause to be paid unto the appelee, Benjamin Greene, by the 25th of December next ensuing, the sum of six pounds current money, and the said Greene to have the costs of the two Courts of Trialls, and the cost of the triall before the Assembly, to be equally borne between plaintiff and defendant.

Richard Sherrin, appellant to this Assembly, from a verdict of jury and judgment of Court of Trialls in September last past, in an action of rehearing the matter, being fairly debated in the Assembly, the vote of the Assembly was, that the judgment of the Court of Trialls should stand.

Upon an appeal of Laurence Clinton, tenant to John Easton, Jun'r, to this Assembly, against a verdict of jury and judgment of Court, passed against him on a re-hearing at the last Court of Trialls in September, on action commenced by Peleg Chamberlin, guardian to the children of Samuell King, deceased, the judgment passed in the Assembly, that said verdict of jury [be] confirmed, and that this Assembly cannot give the said Clinton any further relief in said case.

Peter Marshall, appellant, Thomas Cobb, of Boston, appelee, from a judgment of a Court of Trialls, held at Newport, the first Tuesday in September last past, where the appellant had a verdict of jury and judgment of Court passed against him, for ten pounds and cost of Court, and the appellant praying [for] remedy for his great charge, &c., giving in his reasons to this Assembly, who having considered the same, do order as followeth:

That the verdict of jury delivered in said Court of Trialls, for the payment of ten pounds, be continued, and that the severall actions in the severall Courts of Trialls between the appellant.

Jonathan Barney, in the bond upon which the actions were commenced, and the appelle, that each and either of them bear their own severall charges and costs of Court, on each action past, and the present charge and cost to be equally borne between them, the said appellant and appelle; and that the ten pounds be forthwith paid unto the Sheriff, to answer the above said judgment, after execution is granted.

An Act against firing the woods in each town in the Collony, contrary to the times herein limited.

This Assembly taking into consideration the great damage which doth often happen unto particular persons both in hay and fencing, and many other things, &c., as well as a generall detriment and destruction of all such lands as lie unimproved by the unseasonable and disorderly setting of fires to burn the woods:

Be it therefore enacted by the Governor and Councill and House of Representatives, and by the authority thereof it is enacted, That no person or persons whatsoever shall at any time or times hereafter presume to set any fire or fires, in order to burn the woods within any the respective townships of this Collony at any other time or times, then from the 10th day of March to the 10th day of May, annually. And on neither of said months on the last day, or seventh day, or first days of any week, &c.

And be it further enacted, That if any person or persons shall be taken so doing, on lawfull proof of their so doing, contrary to the times before mentioned, shall be compellable by law to pay a fine of thirty shillings money; the one half thereof shall be to the complainer, and the other half to the use of the town or towns where such fires are set. And each person receiving damage thereby, either in hay, fences or fencing stuff, coopers' stuff, clapboards, shingles, or any other estate, shall have his liberty to bring his action of trespass against the offender, and to recover damage by due course of law; any Act or Acts in this Collony, to the contrary hereof notwithstanding. Always provided, that the fines for setting the

woods on fire, contrary to this Act, be taken and prosecuted as in actions under forty shillings.

Voted, and it is enacted by this Assembly, That if interest be demanded of the Honorable Samuell Cranston, Esq'r, Governor, for the £170 due for the guns belonging to the fort, the Collony shall defray and pay the same, and discharge his Honor.

Voted and enacted by this Assembly, That Capt'n John Cook shall be allowed three shillings per day during the time he was out upon the Collony's service, and his Lieutenant two shillings, sixpence per day, and his Ensign two shillings per day.

Whereas, Joseph Latham, now prisoner in her Majesty's jail, in the town of Newport, petitioned this Assembly for some remittance of his sentence at the Court of Trialls in September, the Assembly upon consideration of the premises, see no ground but the said sentence be continued, according as it was pronounced.

Whereas, the Honored Governor hath laid before the Assembly the necessity of raising of money to pay the Collony's debts, the Assembly taking the presentation into their consideration, and willing to know what the Collony is indebted, have ordered an audit to audit all the Collony's concerns, and that one Deputy out of each town be on said audit, and to receive each town's accounts that they may be truly adjusted and presented to the next Assembly.

The persons appointed, are for Newport, Capt'n John Rogers; for Providence, Lieut. Joseph Jenks; for Portsmouth, Mr. Abraham Anthony; for Warwick, Mr. Randall Holden; for Westerly, Mr. James Noyes; for Kingstown, Capt'n Andrew Willett; for Jamestown, Mr. Daniell Coggeshall; for Greenwich, Mr. John Spencer; to be the Committee, and have such wages as is allowed per day to the Deputies.

Voted, That this Assembly be adjourned to the town of Newport, to the second Wednesday in February next ensuing, or sooner, if the Governor, or in his absence, the Deputy Governor, see occasion.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 27th day in December, 1704.

Major Samuel Cranston, Governor.

Weston Clarke, Recorder.

Major John Dexter, Speaker.

Lieut. Simon Smith, Clerk.

At a Generall Assembly, called by the Governor's warrant, upon urgent occasion, bearing date the 11th of December, 1704, to sit in Newport, the 27th of December, 1704.

The Assembly called, and there being a full number of Magistrates and Deputies to hold an Assembly, Capt'n John Rogers [was] chosen Speaker, Major John Dexter not being present.

John Burden chosen Clerk, &c.

Coll. Dudley's demands being laid before the Assembly, it was ordered, That two out of each House should be appointed to draw up an answer, which was accordingly done, and the Assembly adjourned to the second Wednesday in February, according to the adjournment at Providence.

The Governor and Company of Rhode Island to Governor Dudley.

Newport, on Rhode Island, December 28th, 1704.

Sir: Her Majesty's gracious letter from her Court at St. James, the 30th of March past, came to our Honored Governor's hand the 11th of this month, by Coll. Nathaniell Byfield, and others, who brought a letter from yourself by the request of your Generall Assembly, concerning a further assistance of a quota of men to your assistance against her Majesty's enemies, the French and Indians; and as for her Majesty's commands for assisting your frontiers with a number of men, we have not been any ways remiss therein, but on all occasions the summer past, we have to the best of our power and ability, been ready to give all assistance (we judging ourselves in all things of that nature to be bound in duty as her Majesty's subjects, to give our assistance to our neighboring Collonies), neither shall we at any time be wanting so to do for the future in giving our assistance according to our abilities; although we cannot give you that account as we wished might have been, for the seasons of the year being so violent, that great part of the House of Representatives

from the main land could not be present, neither altogether the number of listed soldiers produced ; and for the further care and knowledge thereof, the Generall Assembly is adjourned untill the 14th February next ; it is not unknown, that we are also a frontier on the sea, and have allways a number of men in actuall service and pay ; and if by the next sitting of our Assembly we knew but the number of your listed soldiers, we doubt not but our Assembly will readily order a fit number and proportion on all actuall service.*

And so we remain her Majesty's obedient subjects, and your Honor's friends and neighbors to our ability. By order of the Honorable the Governor and Generall Assembly of her Majesty's Collony of Rhode Island and Providence Plantations. WESTON CLARKE, Secretary.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 14th of February, 1704-5.

Samuell Cranston, Governor.

Weston Clarke, Recorder.

Major John Dexter, Speaker.

Lieut. Simon Smith, Clerk.

Our Hon'd Governor having presented to this Assembly her Majesty's letters from St. James, March 30th, 1704, the which having been reverently read in said Assembly, and the purport thereof duly considered, as well as her Majesty's command therein, by which we perceive that her Majesty hath been informed that we refuse to assist our neighboring governments against the common enemies, though requested of us in a most pleasing manner ; the which information we humbly conceive was misrepresented, for that we find there was no such refusall. And the reasons and grounds of our not complying with the demand made at that juncture not truly stated, for we allways did as we still do, hold it the duty of all her Majesty's Provinces

* J. Carter Brown's Manuscripts, No. 413, Vol. VI.

and Collonies to be aiding and assisting to each other according to their strength and abilities, in case of any invasion or assault of the common enemy, the which we have not been negligent in severall particulars ; and more especially the last summer, by sending assistance of one good Company of men into the Province of the Massachusetts, which did good service ; although we are a frontier, bordering upon the ocean, and lying very open and dangerous of an invasion by sea, which put the Collony to considerable charges in maintaining watches and wards upon the sea coasts, besides our scouts upon the main land, and maintaining a garrison in the fort, and considerable charge towards the security of Block Island ; all which lies very weighty upon us, notwithstanding in obedience to her Majesty's commands as well as our own inclinations for her Majesty's interest.

An Act for the raising of soldiers.

Be it enacted by the Governor, Councill and House of Representatives in this present sessions assembled, and by the authority thereof it is enacted, That there shall be the number of forty-eight men, English and Indians, forthwith listed as volunteers or impressed, in this Collony, for the service of the same, or to be otherwise disposed of as is hereafter expressed ; the which number of men we deem to be the extent of our quota or proportion with the rest of the Provinces and Collonies, considering what is above premised as well as by the number of men in the severall Provinces and Collonies. And for the more effectually, speedy raising and enlisting the abovesaid number of forty-eight men :

Be it further enacted by the authority aforesaid, That the Honorable Governor do commissionate a Captain and Lieutenant, and appoint other officers, as to him shall seem meet ; and that the said Captain that shall be so commissioned shall be authorized and empowered by order from the Governor to cause the drum to be beaten through all or any of the towns in this Collony for vollunteers, to make up the number aforesaid, to be enlisted under his command.

And if such a number of men vollunteers do not list them-

selves, then by order from the Governor to the Major on the Island, and Major on the main land, in this Collony, they the said Majors shall cause so many men to be impressed out of their respective Companies as will make up the complement aforesaid.

And for the encouragment of such as may be inclined to list themselves vollunteers as aforesaid, they shall be allowed and paid out of the Generall Treasury during the time they shall be in actuall service, viz.: the Captain, four shillings per day; the Lieutenant, three shillings per day; the Clerk and Sergeants two shillings per day; and all common soldiers that will accouter or provide themselves with arms and ammunition according to order, one shilling, sixpence per day; and such as shall be supplied by the Collony, one shilling per day; and shall be quit of all other service in this Collony, saving what shall be required under the command of their Captain in the Collony's service.

And be it further enacted by the authority aforesaid, That the aforesaid quota of forty-eight men shall be by the Governor's order raised with all expedition, and put in such posture and method that they may be ready to march upon any occasion, in a day's warning or notice. And it shall be in the authority of the Governor, to order or send the said quota of men or any part of said quota, to any part of the Collony, or to the assistance of our neighboring governments, as necessity may require.

And in order for the subsistence, treatment and disposition of such forces as shall be sent to the assistance of each government, and in particular between this Collony and the Province of the Massachusetts, we do appoint Major John Dexter, Major Nathaniell Coddington, and Capt'n Joseph Sheffield, or any two of them, Commissioners, to treat with Commissioners appointed by the Province of the Massachusetts with full power and authority to agree and settle the same according to their commissions and instructions; and that notice thereof be given forthwith to the authority of said Province of the Massachusetts, hereof requesting them to nominate and appoint the like

number of Commissioners with like power; and also to appoint the time and place of their meeting with what expedition may be, to settle the same as near the division of each government as may be thought most convenient.

And it is ordered, That the Commissioners appointed by this Assembly, shall be paid out of the Generall Treasury their reasonable charge during the time of their being on said service.

And be it further enacted by this Assembly, That in case our Honored Governor shall have occasion for arms or other stores of war, for the accoutering or supplying the aforesaid quota of men, or any part thereof, that he hath hereby authority granted him to seize and take, or cause to be seized and taken from any of the inhabitants of this Collony such spare arms or other stores of war as may or can be found for the service aforesaid, so as the persons from whom such arms, &c., shall be taken, be not left destitute of their own supply. And that what shall be so seized or taken, to be appraized or vallued by two indifferent men appointed by the Governor, so as the same may be returned again with use, or paid for by the Collony, according to the appraizement.

This Assembly do recommend Lieut. Jonathan Turner, of Kingstown, to the Governor's consideration, and that he may have the first tender of a commission to be Captain of said quota.
An Act against killing of deer.

Whereas this Assembly hath been informed that great quantities of deer hath been destroyed in this Collony out of season, either for skins or flesh, which is a great destruction of the creatures, without profit, and may prove much to the damage of this Collony for the future, and not only to this Collony, but to the whole country, if not prevented:

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That no person or persons within this Collony, either English or Indians, shall kill either deer or fawn within the bounds of this Collony, from the 1st of January untill the last of June; and so successively in said months for every ensuing year, shall forfeit for every deer or fawn so killed within said months, the sum of twenty shil-

lings money, to be levied by distraint, as in actions of trespass; the one half to the informer, the other half to the use of the town where such deer or fawn shall be killed. And this Act to stand in full force in the law; any Act or Acts, clause or clauses, in the law to the contrary notwithstanding.

Committee to audit accounts.

Voted, That the same persons who were chosen at the sessions of this Assembly, at Providence, for an audit, are continued, who are to meet the last Monday in March next, at Newport, at the Collony House, to audit and inspect into the Collony's debts and credits, who have power, if need be, to adjourn from time to time untill the work be completed; and they, or the major part of them, to finish said work and make return thereof to the Generall Assembly in May next.

An Act for raising and assessing a tax or rate upon this Collony of £500 for the defraying the Collony's debts.

Be it enacted by the Governor, Councill and House of Representatives in Generall Assembly convened, and it is hereby enacted, That a tax or rate be raised upon this Collony of £500 current money of New England, or pay in like species as the last £700 rate, and to be gathered in to the Generall Treasury of this Collony, after the same manner according to the £700 rate was, by the last of May next. And the rate makers of each town to proportion the rates on the severall towns by the 20th of March next ensuing; and the Town Clerk of each town to send copies thereof to the Generall Treasurer by the last of March next, who shall follow the Collony's Acts in sending forth his warrant in ten days' time after, to the Constables of each town, to gather in said rates of each town, deliver it into the Generall Treasury, at or before the last of May next, in money, or such merchantable pay, at the prices as the last £700 rate was, aforesaid.

Voted, Whereas our Honored Governor, Samuell Cranston, Esq'r, stands engaged in behalf of the Collony to the Lord High Admiral, for a sum of money:

It is enacted by the authority aforesaid, That our Honored

shall be supplied out of the said rate or sum of £500, to pay said debt of the Collony's, and what is remaining to be for the Collony's use.

And it is further enacted by this Assembly and the authority thereof, and it is hereby enacted, That whereas Joseph Latham and John Scott stand bound by obligation to build a jail in the town of Providence, in as good manner as that was that was burnt; and whereas, the condition of said obligation was, that if this Assembly did not allow that they should build the jail, that then the said Latham and Scott were to pay thirty-three pounds:

And therefore it is enacted, That the said Latham and Scott shall not build said jail, but pay the thirty three pounds into the Generall Treasury; thirty pounds thereof, shall be improved on the Collony's behalf for the building her Majesty's jail at Providence, and the other three pounds to pay the officers of said town's charge of transportation to Newport.

Voted, That the Acts of this Assembly since the first sessions thereof, be published under the Seal of the Collony, in the town of Newport, within ten days after the dissolution of this Assembly, and copies thereof sent to each town, under the Seal of the Collony, on or before the 10th day of March next; and the Recorder to have for each copy to be paid out of the Generall Treasury of this Collony, ten shillings in money per copy.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 1st of May, 1705.

Coll. Samuell Cranston, Governor.

Lieut. Walter Clarke, Deputy Governor.

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Voted, Whereas our Honored Governor, Samuell Cranston, Esq'r, stands engaged in behalf of the Collony to the Lord High Admiral, for a sum of money :

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And therefore it is enacted, That the said Latham and Scott shall not build said jail, but pay the thirty three pounds into the Generall Treasury; thirty pounds thereof, shall be improved on the Collony's behalf for the building her Majesty's jail at Providence, and the other three pounds to pay the officers of said town's charge of transportation to Newport.

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Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 1st of May, 1705.

Coll. Samuell Cranston, Governor.

Lieut. Walter Clarke, Deputy Governor.

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ASSISTANTS.

Major Henry Tew.
 Major Nath'll Coddington,
 Major William Hopkins,
 Mr. Joseph Williams,
 Mr. Joseph Sheffield,

Mr. Giles Slocum,
 Mr. Richard Greene,
 Capt'n Jeoffrey Champlin,
 Capt'n John Eldridge.

DEPUTIES.

For Newport.

Capt'n William Wanton,
 Capt'n John Rogers,
 Mr. John Scott,
 Mr. John Rhodes.
 Mr. Joseph Gardner,
 Mr. Jonathan Barney.

For Providence.

Major John Dexter.
 Lieut. Joseph Jencks,
 Mr. Gideon Crawford,
 Mr. Joseph Whipple,

For Portsmouth.

Mr. Isaac Lawton,
 Mr. George Sisson.
 Mr. Abraham Anthony,
 Mr. Benjamin Hall.

For Warwick.

Mr. Israel Arnold,
 Mr. Peter Greene,
 Mr. Jabez Greene,
 Mr. John Rice, Jun'r.

For New Shoreham.

Mr. Thomas Rathbone,
 Mr. William Hancock.

For Kings Town.

Capt'n Edward Greenman.
 Mr. Henry Tibbets.

For Westerly.

Capt'n William Champlin,
 Mr. John Maxon.

For East Greenwich.

Capt'n Thomas Fry,
 Lieut. John Spencer.

For James Town.

Capt'n Edward Carr,
 Mr. Joseph Mowrey,

Capt'n John Rogers, chosen Speaker.
 Capt'n Edward Carr, chosen Clerk.

At the Generall Assembly and Election held at Newport, the 2d of May, 1705.

The following were chosen, and severally engaged.

GOVERNOR.

Samuel Cranston.

RECORDER.

Mr. Weston Clarke.

DEPUTY GOVERNOR.

Lieut. Col. Walter Clarke.

SHERIFF.

Mr. William Coddington.

ASSISTANTS.

Major Nath'll Coddington,

Major William Hopkins,

Mr. Joseph Williams,

Capt'n Joseph Sheffield.

Mr. Giles Slocum,

Capt'n Jeoffrey Champlin,

Capt'n John Eldredge,

GENERAL TREASURER.

Capt'n Nathaniell Sheffield.

GENERAL ATTORNEY.

Capt'n Joseph Sheffield.

Capt'n William Wanton, chosen Speaker of the House of Deputies.

Capt'n Edward Carr, chosen Clerk.

May the 3d.

The Assembly called, and both Houses resolved into a Committee to choose such officers as by our Charter and law required.

Considered, Whereas Mr. Job Greene, of Warwick, was by a vote of the freemen of the Collony, elected to the office of an Assistant in said Collony, and he being gone out of the Collony to Pennsylvania, as this Assembly is credibly informed, so that it cannot be known whether the said Greene is now alive, or if alive, whether he will accept said office to which he was chosen and elected, and the pressing affairs of the Collony being such that there is necessity for the filling up the Election so as there may be the full number of Assistants, engaged according to the Charter :

It is the unanimous vote of this Assembly, That there shall be some other person within this Collony elected and chosen to the office of an Assistant, to supply the place of said Greene.

Capt'n John Rogers, chosen an Assistant by the Assembly for Newport, and engaged.

Mr. Randall Holden and Mr. Richard Greene, chosen Assistant, by the Assembly for Warwick, and engaged.

MAJOR FOR THE ISLANDS.

Capt'n William Wanton.

MAJOR FOR THE MAIN.

Major John Dexter.

The following Justices of the Peace were chosen and engaged.

For Newport.

Capt'n Nathaniell Sheffield,
Mr. Edward Smith.

For Providence.

Capt'n Thomas Fenner,
Mr. Phillip Tillinghast,
Mr. Eleazer Arnold.

For Portsmouth.

Mr. Thomas Cornell, Jun'r.

For Warwick.

Mr. Simon Smith.

Mr. James Clarke, chosen Generall Sealer, Packer and Gauger.

For Westerly.

Capt'n William Champlin,
Mr. Peter Crandall,
Mr. James Noyes.

For Kings Town.

Mr. Tho. Mumford.
Mr. William Hall.

For East Greenwich.

Capt'n Thomas Fry,
Mr. Pardon Tillinghast.

May the 7th.

An Act for the ordering the sum of £100 towards the finishing her Majesty's fort on Goat Island, alias Fort Island.

Whereas, it is laid before this Assembly that there is money wanted to be raised on severall concerns of the Collony, and that there will want £100, to be laid out towards the finishing her Majesty's fort, viz. : Fort Ann, with the citadel therein, &c., in consideration thereof:

Be it enacted by the Honorable the Governor and Assistants, with the House of Representatives convened in Generall

Assembly, and it is enacted by the authority thereof, That on the first rate or tax to be levied on the Collony by the Generall Assembly thereof, there shall be the sum of £100 assessed on the Collony, and paid for said particular use for the finishing said fort, &c.

An Act to give the Governor £40 towards his expense and Collony service, done by him.

And whereas, this Assembly hath considered the great charge, trouble, &c., the Honorable Samuell Cranston, Esq'r, our Governor, is at for the benefit and good of this her Majesty's Collony, and to give somewhat as a recompense thereof:

Be it enacted by this present Assembly and the authority thereof, That out of the next Collony rate and assessment on the Collony, he shall receive out of the said assessment the sum of £40 besides the annuall gratuity of the Collony allowed to the Governor so chosen annually by the Collony.

An Act authorizing the town of Newport to regulate its own prudential affairs.

Whereas, we have laid before us, by some of the town of Newport, on Rhode Island, that most of the towns in this her Majesty's Collony hath town charters, whereby they have power given them according to power given us by his most sacred Majesty in his Charter unto us, that we may settle the limits of townships in said Collony, and give such power proper and needfull for the regulating and ordering each town in their prudential affairs, and for the town of Newport, better enabling them to make such prudential acts and town orders within their said townships as may be duly and orderly observed, obeyed and executed in all and every respect as far as any town may make any acts consonant to the privilege of her Majesty's subjects, incorporated within a township:

Therefore be it enacted by the Honorable the Governor and Assistants, with the House of Representatives convened in Generall Assembly, and it is hereby enacted by the authority thereof, That the freemen of the township of Newport, legally called together, and met on their day or days and times appointed to consider and act on such prudential affairs in pass-

ing acts and orders for the duly governing the affairs only properly needfull and necessary for said town, and proper and allowable for said town; and to make and act by, agreeable and consonant to the affairs and orders needfull for said town, on any or all said prudential affairs. And such acts so made shall be good, allowable and in power, force and strength for them to act by, and see executed; any Act or Acts to the contrary, in any wise notwithstanding.

An Act for the military discipline of Indians.

Whereas, it hath been laid before this Assembly, that there are severall Indian servants upon New Shoreham, and other Indians there, that may be serviceable to her Majesty and her good subjects there, to be entered and trained up in martiall discipline, and for all other service, and upon due consideration thereof:

Be it enacted by this Assembly and the authority thereof, That all Indian men servants and others of said Island, shall be under the command and discipline of such Captain and other officers at any time [and] place chosen for the training up and instructing in martiall discipline, &c., and to be at all times ready to serve her Majesty on any invasion or attempt of any of her Majesty's enemies; and that they be by the inhabitants and authority of said Island carefully provided for with arms and ammunition for said service out of the rates by the Collony's allowance to said inhabitants, as by Acts made and provided already for said inhabitants, for all such uses for their defence.

And be it further enacted by this present Assembly and the authority thereof, That in answer to what is presented to this Assembly, relating to the severall letters to our Honored Governor, from Coll. Joseph Dudley, we find our Collony in eminent danger, and we have been necessitated to raise men for the security of our frontier places in our Collony, that at present we cannot see any necessity to raise any men at present for any other service, but shall at all times be ready to give our neighbors all assistance to our capacity, if any eminent danger on their side shall be; which at present none doth appear.

An Act for the inspection of Beef and Pork.

Whereas, there hath been great abuses within this Collony in the packing and salting of provisions, that hath been shipped off to the neighboring Plantations, as well as the putting up of veal beef and other beef not merchantable, to the great discredit of the Collony, and damage to the trade and commerce of the same, for the prevention thereof:

Be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That from and after the publication of this Act, that if any person or persons in this Collony shall ship or put on board, or cause to be shipped or put on board any vessell any cask or casks of beef, pork or mutton, in order to be transported out of the Collony to any other place or government in America, before it hath the Generall Packer's mark or stamp upon it as aforesaid, shall be forfeited and confiscated, one half thereof to the informer, and the other half to and for the use of the poor of the town or place where such cask shall be shipped, and upon information thereof given to any one Assistant or Justice of the Peace in said Collony, it shall be lawfull for them, or either of them to cause such cask or casks to be seized, and to order the disposition thereof, according to this Act.

And it is further enacted by the authority aforesaid, That each town in this Collony at the day of election of town officers, shall make choice of a Packer, which shall be the Generall Packer's Deputy, and shall be solemnly engaged not to presume to set the mark or stamp upon any such cask as aforesaid, but what shall be well packed, salted, and merchantable meat; and that the mark or stamp to be put upon all such casks, shall be the letter **M**, burnt with a hot iron, for merchantable.

And if any person or persons in said Collony shall, or do presume to put, or cause to be put, said mark or stamp upon any cask or casks as aforesaid, the Generall Packer or his Deputies only excepted, such person or persons so doing, shall forfeit and pay a fine to the Collony the sum of ten pounds in

money, or receive corporal punishment, as by authority shall judge meet; he or they being first lawfully convicted thereof.

And it is further enacted, That the Generall Packer, or his Deputy, shall be allowed and paid for every barrell they shall put their mark or stamp upon, for packing and sealing, the sum of sixpence in money, and so proportionall for bigger or lesser casks.

An Act relative to weights and measures.

Whereas, there is an Act of this Collony, that all measures and weights in said Collony shall be according to the standard appointed for the same, and sealed by the Sealer:

Be it therefore further enacted, That all measures and weights within said Collony, that hath not the Sealer's mark or stamp upon them, shall not be allowed of as just; and it shall be lawfull upon complaint made to any one Assistant or Justice of the Peace, or Warden, for them to cause the same to be seized and broke, or otherwise made unfit for use, in order that there may be just measures and weights throughout the Collony.

And also be it further enacted, That every town in the Collony shall provide all such measures and weights in their town as is within mentioned, within a month's time after the day of their election of their town officers. And if any town shall neglect doing of it, shall forfeit the sum of ten pounds, to the use of the Collony.

Whereas, some of the freemen, inhabitants of the township of Providence, in this her Majesty's Collony of Rhode Island and Providence Plantations, have laid before this Assembly severall weighty reasons praying that the boundary lines between this her Majesty's Collony, according to our Charter, and her Majesty's Province of the Massachusetts Bay, might be run and fully known, the which we conceive will be very needfull and of good consequence to both said Collonies, viz.: the Collony north line running from Pawtuxett Falls, untill it meets with the south bounds of her Majesty's Province of said Massachusetts; and from thence the line running west, or the Collony line, being the boundary on that part between said Collonies.

untill it comes unto the boundaries betwixt this her Majesty's Collony and her Majesty's Collony of Connecticut; and that the same may be accomplished as speedily as can be.

Be it enacted by this present Assembly and the authority thereof, and it is hereby enacted, That our Secretary, Mr. Weston Clarke, by a letter give an account hereof to his Excellency Coll. Joseph Dudley, Esq'r, Governor of her Majesty's Province of the Massachusetts Bay, &c., requesting him to lay the same before the Generall Assembly of said Province, said request for a speedy accomplishment.

And be it further enacted, That our said Secretary is hereby further authorized and empowered to write to the Generall Assembly of her Majesty's said Province of the Massachusetts Bay, to desire them to choose and empower some persons Commissioners to see and cause said line to be run, and that they be empowered for said service.

And we, her Majesty's Assembly of said Collony of Rhode Island and Providence Plantations, do hereby order, nominate and appoint and give full power and authority to Major William Hopkins, Mr. Joseph Jenks, and Mr. Thomas Olney, Commissioners in behalf of the Collony, to see said line run at such time as shall be appointed by said Commissioners; and that they be allowed and paid their reasonable charge out of the Generall Treasury.

An Act relative to highways in Jamestown.

Whereas, there hath been complaint made to this Assembly, that now notwithstanding the great care the authority of this Collony hath taken for the orderly settling and stating of the highways in the town of Jamestown, by appointing and empowering Capt'n James Carder and Mr. John Mumford for the accomplishing of the same, many of the proprietors of said town are yet to their great damage hindered and deprived of the free use and benefit of such highways as was by the afore-said Capt'n Carder and Mr. John Mumford laid out in said town; and a draught thereof presented to the Generall Assembly, who did well approve and accept the same.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That William Coddington, Sheriff, with the assistance of Capt'n Joseph Sheffield, and Edward Smith, Esq'r, do with all convenient speed lay open or see that the aforesaid highways be laid open according to the plat or draught, above mentioned.

And for the better performance of the same, it is further ordered, That Mr. John Mumford be assisting to the Sheriff and Justices, with the aforesaid plat or draught of the aforesaid highways, &c.

And it is further enacted, That the proprietors of Jamestown shall pay the whole charge that hath already arisen, or shall hereafter arise, either in the laying out or opening and settling of the aforesaid highway by a just and equal rate made and assessed by the proprietors or the major part of them.

And in order thereunto, it is further enacted, That the head Warden of Jamestown shall with all convenient speed after the laying open the said highways as abovesaid, give forth his warrant to the Town Sergeant of said Town, to warn the proprietors thereof, to meet together at such time and place as shall by the said Warden be appointed, in order to assess and levy said rate.

And it is further enacted, That this Act or a copy thereof, attested by the Recorder, shall be a sufficient warrant to the Sheriff and all others mentioned as aforesaid, to proceed on said work, and if occasion shall require, to take and command such aid and assistance as they shall think needfull.

The Constables request to know upon who they may distrain for rates when the tenant hath left the land before the rates are gathered, which he did live on when the rates were made :

This Assembly having taken into consideration the request of the Constables, do enact, and it is hereby enacted, That the tenant shall pay what is levied on himself for himself, if he can

be found; and the landlord shall pay for the house and lands in such cases as is above premised; any Act or Acts, to the contrary notwithstanding.

And be it further enacted, That the Recorder send copies of this Assembly's Acts under the Seal of the Collony, to each town, and within twenty days, if possible; and to be paid by the Generall Treasurer six shillings for each copy out of the Generall Treasury.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 19th day of June, 1705.

Coll. Samuell Cranston, Governor.

Lieut. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Nath'll Coddington,	Mr. Giles Slocum,
Capt'n John Rogers,	Mr. Randall Holden,
Major William Hopkins,	Mr. Richard Greene.
Capt'n Joseph Sheffield,	Capt'n Jeoffrey Champlin.

DEPUTIES.

For Newport.

Major William Wanton,
Lieut. John Holmes,
Mr. Jeremiah Clarke,
Mr. Joseph Gardner,
Mr. John Scott,
Mr. John Brown,

For Providence.

Major John Dexter,
Capt'n Richard Arnold,
Capt'n Thomas Fenner,
Mr. Andrew Harris.

DEPUTIES.

For Portsmouth.

Mr. John Burden,
 Mr. Jacob Mott, Jun'r,
 Mr. Daniell Pearse,
 Mr. John Coggeshall, Jun'r.

For Warwick.

Mr. Benjamin Barton,
 Mr. Job Greene,
 Capt'n James Greene,
 Lieut. Simon Smith.

For Westerly.

Capt'n William Champlin,
 Mr. James Noyes,

For Kings Towne.

Mr. Rowland Robinson,
 Capt'n Edward Greenman.

For New Shoreham.

Capt'n William Hancock,
 Capt'n Simon Ray.

For East Greenwich.

Mr. Pardon Tillinghast.
 Mr. Clement Weaver.

For James Towne.

Mr. Ebenzer Slocum,
 Mr. John Weeden.

Major William Wanton, chosen Speaker of the House of Deputies.

Mr. John Coggeshall, Jun'r, chosen Clerk of said House.

Whereas, information and complaint hath been made unto this Assembly by the Generall Treasurer, that severall of the late Constables of the respective towns in this Collony have detained in their hands considerable part of the Collony's rates from time to time assessed on the Collony, and have not delivered the same into the Generall Treasury, pursuant to the severall Acts and orders relating to the same, to the great prejudice of the Collony and contempt of the laws in such cases made and provided.

Be it therefore enacted by this Assembly and the authority thereof, and it is hereby enacted, That the Generall Treasurer of this Collony shall take forth writs out of the Recorder's office against all and every the late Constables that have any ways detained or embezzled any of the Collony's money or goods, and have not delivered the same unto the Generall Treasury, according to law; the which writ shall be taken out as in actions of debt against said persons, with the damages and costs, as the law prescribes, and served by the Sheriff or

his Deputy, to answer the same at the next or any other of her Majesty's Courts of Trialls in this Collony; to the which said writs shall be directed, and being then and there found guilty, either by jury or confession of any person, execution shall be given forth against them as in other actions of debt and damage found against any person, according to verdict of jury and judgment of Court.

An Act for raising and assessing a tax on this Collony of £500, for defraying the Collony's debts.

Be it enacted by the Honorable the Governor, with the Councill and House of Representatives convened in Generall Assembly, and the authority thereof, and it is hereby enacted, That a rate or tax be assessed on this Collony of £500 current money of New England, or pay equivalent in like specie as the £700 rate of the Collony was assessed the 3d day of May, 1704; and said rate to be made in each town by the rate-maker of each town, at or by the 20th day of the next month of July ensuing; which said rate shall be gathered by the Constables of each respective town; and it shall be by said Constables gathered and paid unto the Generall Treasurer of said Collony by the last of August next. And the rate-makers shall of each town at or by the 21st of the next month of July, return unto the Town Clerk of each town, a list of their rates proportioned. And the Town Clerk of each town to return the list of the rates delivered them to the Generall Treasurer, by the last of July, and the Treasurer to send his warrants to the Constables of each town within ten days after, who shall gather the rates and deliver in as above said by that time in current money or merchantable pay, at prices as the last £700 rate was gathered. And the proportion of each town's part to pay is, viz.:

Newport,	-	£140 12s.	Westerly,	-	£27 10s.
Providence,	-	80 00	Jamestown,	-	23 00
Portsmouth,	-	87 10	Greenwich,	-	14 15
Warwick,	-	29 00	New Shoreham,	-	15 00
Kingstown,	-	82 12			
					<hr/>
					£500 00

And the said rate or tax, when delivered into the Generall

Treasurer, there shall be no part of said rate taken out for any use before Mr. John Collman, of Boston, Commissioner for Prizes, is paid the Lord High Admiral's tenths due from the Collony, being £170, with interest, which shall be called out of the Generall Treasury by the Governor's order; and the rest of said tax to be taken out for the payment of the Collony's engagements, by order of the Governor. And that no part of said tax shall be stopped in any town in the Collony, without it be for paying the Constables for gathering it, and the rate makers' fees and Deputies' wages.

An Act for the electing of commissioned officers of the severall train bands in this Collony.

This Assembly having taken into their consideration the great inconveniences and dishonor it brings to the Collony in admitting the listed soldiery of each Train Band in this Collony to make choice of their commissioned officers, by which sundry listed soldiers being transient persons, and many youth of small consideration, persons are chosen to office that is not honorable to her Majesty nor capable of serving in the Collony in the office they are chosen unto:

Therefore be it enacted by this Assembly and the authority thereof, and it is hereby enacted, That for the future no person shall have any vote in any Train Band of soldiers in this Collony for commissioned officers of the Train Bands, but such as are freemen of the respective towns they live in, or freemen of the Collony for the election of any officer as aforesaid, on the respective days of election, according to the laws of the Collony in such cases made and provided; any Act or Acts in this Collony, to the contrary notwithstanding.

Committee to transcribe and print the laws.

Whereas, there was a former Committee chosen to transcribe the laws of this Collony, and fit them for the press the which is completed for the most part, and for the perfecting thereof, Major Nathaniell Coddington, Capt'n Joseph Sheffield, Lieut. Joseph Jenks and Mr. Simon Smith are hereby appointed and authorized to view over and perfect said laws; and likewise to

procure said laws to be printed with all expedition. They or the major part of them, are fully empowered to perfect said affairs, and to be allowed out of the Generall Treasury, for their necessary expense in perfecting said transcript; and said Committee, or such of them as shall be at the charge of printing said body of laws, shall have the whole profit of the sale thereof, they allowing one copy for the Collony's use.

Allways provided, and it is hereby enacted, That the said Committee shall be under engagement for the true performance of the premises, in these words :

You, A. B., being chosen of the Committee for the comparing and transcribing the body of laws of this her Majesty's Collony of Rhode Island and Providence Plantations, do hereby engage well and truly to perform all and every part thereof according to the trust reposed in you, to the best of your skill and ability. And this engagement you make and give upon the pain of the penalty of perjury.

And be it further enacted, That whereas John Burden and Abial Tripp have requested the Assembly to grant them the liberty of the ferry between Rhode Island and Bristoll for seven years next ensuing, to them and their heirs, &c., according to the former Acts of Assembly, made at Kingstown, bearing date the 2d of August, 1698 :

The Assembly taking the premises into their consideration, do order and enact, and it is hereby enacted, That the said John Burden and Abial Tripp, their heirs, &c., have the privilege of said ferry as formerly, on the same terms mentioned in the aforesaid recited Act, for the term of seven years, as aforesaid.

And be it further enacted, That the soldiers be continued upon Block Island, till the Governor thinks fit to call them off; and the town of Shoreham, alias Block Island, shall find them victualls during their abode there, whilst they are in the service, at the town charge.

Whereas, our Honored Governor hath represented unto this Assembly, that there is a Spanish prize brought into this gov-

ernment by Capt'n John Halsey, Commander of the briganteen Charles, a private man of war, commissioned by himself against her Majesty's enemies the French and Spaniards, pursuant to her Majesty's Declaration of War, and particular commands unto this government, to use our utmost endeavor to annoy the said subjects of France and Spain; and that the said Capt'n Halsey having requested condemnation of said prize, of the Honorable Coll. Nath'll Byfield, Judge of her Majesty's High Court of Admiralty. The said Judge, after having made a considerable step towards the condemnation, pretended said prize was not taken by a lawfull commission, alledging that this government had no authority to grant any commission to private men of war, [and] so suspended the accomplishment of the condemnation, to the contempt of her Majesty's authority here established under the great Seal of England, and to the detriment of her Majesty's interest and considerable damage of the captors.

This Assembly have accordingly debated the matter, and considering the priviledges and liberties granted in our Charter, as well as her Majesty's Declaration of War, and the particular commands to annoy the subjects of France and Spain, and severall instructions from time to time sent unto this government relating to the government of private men of war, &c., do deem the Governor of this Collony from time to time, as well as the present Governor, by leave and permission of the Generall Assembly of said Collony, have had and still have full power and authority to grant commissions to private men of war against her Majesty's publick enemies; and that the said Governors have been, and still are justified therein, provided they have and do take bond and do all other things as the law directs relating to private men of war.

And in answer to what the Governor represented to this Assembly about the Marshall appointed and commissioned for the Admiralty Courts, he demanding the power of the Water Bailiff within this Collony, we deem that the power of constituting of Water Bailiff within the body of this Collony, is by

our Charter as well as the laws and statutes of England, vested in this government, and that no other ought to have any power or authority within the same.

Ordered, That the Acts of this Assembly be published in the town of Newport on Thursday next, being the 28th instant, and that copies thereof be sent to each town within ten days after the dissolution of this Assembly, under the Seal of the Collony; and the Recorder to be paid eight shillings money by the Generall Treasurer for each copy.

Governor Cranston to Col. Byfield, Judge of the Admiralty Court.

Newport, on Rhode Island, June 16, 1705.

Sir: There being a Spanish prize brought into this port by Capt'n John Halsey, Commander of the private man of war, Charles, who was commissioned by myself against her Majesty's enemies, pursuant to her Majesty's Declaration of war, and particular command, to use our utmost endeavors to annoy the subjects of France and Spain, &c., all which you have been and are well knowing unto, and have made a considerable step towards the condemnation of said prize; but for what reason you defer the full accomplishment thereof, I am not fully satisfied, though I know there was a pretence or scruple made by you, whether said prize was taken by a lawfull commission, &c.

Sir: Since the said prize was taken by my commission, which hath been deemed a lawfull and good commission by yourself, and is now as good as ever, though otherways pretended, in behalf of her Majesty, the Lord High Admiral and captors, I can do no less (deeming myself thereunto obliged) than to require a condemnation of said prize, according to law, and that you give your positive answer thereunto, and if by you declined or delayed, your reasons for the same, that such methods and measures may be taken as the authority of this her Majesty's Collony shall think most proper for her Majesty's service and the interest of her subjects, and encouragement against the common enemy. I am, Sir,

Your humble servant, SAMUELL CRANSTON.

Col. Byfield to Sir Charles Hedges, Principal Secretary of State, relative to a Spanish Prize, taken under a commission issued by Governor Cranston, of Rhode Island.

Bristol [Rhode Island], July 19th, 1705.

Right Honorable: I humbly take leave to inform your Honor that it is now a year since his Excellency, Joseph Dudley, Esq'r, her Majesty's Captain Generall and Governor of the Massachusetts Bay, &c., sent me her Majesty's order in Council of the 28th January, 1703, referring to the irregularities practised in the proprietary Collony of Rhode Island and Providence Plantations, and her Majesty's

letter of the 2d March, 1703, to the Governor and Company of that Collony, commanding them to submit to the Court of Admiralty, constituted by the Lord High Admiral, and to the powers of Vice Admiralty vested in Col. Dudley, Governor of the Massachusetts Bay, together with a letter from the Lords Commissioners of Trade and Plantations, dated the 17th March, 1703, referring to the said order and letter from her Majesty; upon receipt whereof, I went to the Governor of Rhode Island, and was with him upon the receipt of said order and letters, which he showed to me, and we read them, and he told me he had given a commission to one Capt'n Lawrence, and if he took any prizes he did expect that his commission should be acknowledged, and he would grant no more.

Yet upon the 7th of November last, the said Governor Cranston, granted a commission to Capt'n Halsey, Commander of the briganteen Charles, a private man of war, who the beginning of June last, brought a prize into Newport, on Rhode Island, being a ship of one hundred tons, laden with brandy, rum, wine, snush, sugar, paper and oil, &c., which Capt'n Halsey acquainted me with soon after his arrival, desiring me to go down to condemn her; and at the same time, he moved for a warrant to unload her, she being very leaky.

Whereupon, I went the next morning to Newport, and gave order for a survey of the ship, and it being reported that the ship was leaky, the cargo was in danger, I made out a warrant, to unload her, and appointed three men to take charge of the cargo, and to keep each man a lock upon every door, untill condemnation.

And upon the 6th day of June, I held a Court of Admiralty, in order to the condemnation, having first told Capt'n Halsey that I had been ill treated of late by Mr. Colman, about the charge of a Court for condemning a prize in Boston; and he being one of the owners of Capt'n Halsey's vessel, I expected that somebody should engage for the payment thereof, being five per cent.; but nobody would. However, I proceeded in holding a Court; and upon examination of the prisoners, it appeared to be a Spanish ship, manned with Spaniards, and loaded with goods belonging to the subjects of the King of Spain, &c.; but when I found she was taken by Governor Cranston's commission, granted some months after his receipt of the Queen's commands, I declared I could not proceed to a condemnation upon that commission, for that I was a witness to the Governor's having received the Queen's commands to the contrary, and adjourned the Court untill the next day to consider, and found the Governor and people much disturbed at my questioning his commission. And I having taken care to secure the ship and cargo, I adjourned the proceedings unto the 27th June, in order to my taking the best advice I could obtain in so weighty an affair; I wrote to Mr. Mumpesson, the Judge of the Admiralty at New York, and went down to His Excellency, her Majesty's Vice Admiral of these parts, and when I had advised all I could, I returned home, fully determined to condemn the prize to her Majesty, as taken without any commission.

But upon the 26th June, Colonel Nicholas Page (who is one of the owners of the said private man of war) brought me a petition, which he, with the rest of the owners had signed, to his Excellency, the Governor, and his Excellency's advice thereupon, to condemn the prize to the captors, [a] copy whereof, I shall herewith send to your Honor.

The next morning, I proceeded to Newport, contrary to the advice of many of my friends, who told me there was a talk that if I do not condemn the prize upon Governor Cranston's commission, my life was threatened—however I proceeded.

And when I came to Newport, the Governor came to me, who I acquainted with

what I had heard, and then proceeded to hold a Court of Admiralty. And in the first place, I did declare, that I had considered Governor Cranston's commission, on which Captain Halsey founded his information against the prize, and found that the Governor who referred to the Charter in the commission, had acted contrary thereunto in granting the same in his own name; when, according to the Charter, it ought to have been in the name of the Governor and Company, and that the Charter itself empowers them to resist by force of arms, as well by sea as land; and also to kill, slay and destroy, &c., all such person or persons as at any time shall attempt or enterprize the destruction, invasion, detriment or annoyance of that her Majesty's Plantation, which seems to fall very short of an Admiralty jurisdiction. And her sacred Majesty in her letter to that government of the 2d March, 1703, hath declared, that there is no Admiralty jurisdiction granted in their Charter. So that upon the whole, I could understand no otherwise, but that the prize was taken without a commission.

But having considered the petition of the owners, in behalf of themselves and Capt'n John Halsey and Company, to his Excellency, setting forth that they had taken a commission from the Governor of Rhode Island, which they supposed had been a good commission, but now were made to understand by the Judge of the Admiralty and otherwise, that the commission was not vallid and legall, the Vice Admiralty of Rhode Island being vested in his Excellency, and praying that the owners and captors, who had ventured their estates and lives, might have the full reward and benefit of their prize, as if their commission had been legally granted, together with his Excellency's advice thereupon, and the odd circumstances of things at Rhode Island at this time. I did adventure to condemn her a lawfull prize to the captors, saving to the Lord High Admiral, &c.

When I had so done, about eighteen lusty fellows drew up to the table where I sat, and one of them delivered a paper to the Register and demanded of him to read it, which he going to do, I took it out of his hand, and told them that no paper should be read there without my allowance.

They replied, that they gave it [to] him as one of the Council of that government, and would have it read.

I told them he was there a Register of that Court, and should read nothing there without my allowance, and ordered the Court to be dismissed.

And when we came out, was hooted down the street by those fellows that offered the paper, without any notice being taken by any in the government there. The paper was directed to Governor Cranston, in justification of his commission, which I had just before declared illegall and void.

It is not the first time I have suffered in the service of the Crown, but hope care will be taken that her Majesty's Courts and officers may be treated more agreeably.

They would not (I do think) have been so absurd in their carriage, had not Mr Colman (who is Agent for the Lord High Admiral, and one of the Commissioners for Prizes) solicited that government to hold a Court for the condemnation of the prize, and put them upon passing a strange Act in that government, all which will appear by the copies of Mr. Colman's letters, and of Governor Cranston's letter to myself and of the Act itself; all which are herewith sent.

I humbly hope that my sincere desire and endeavors to serve her Majesty and her subjects in these parts, will be accepted, and that upon the whole, your Honor

will see reason favorably to represent me to her Majesty ; for I am devoted to her service. And pray that I may be allowed to subscribe myself,*

Right Honorable,

Your most dutifull humble servant,

NATHA'L BYFIELD.

To the Right Honorable Sir Charles Hedges, her Majesty's Principal Secretary of State. These present.

[The owners of the Briganteen Charles, Nicholas Paige, John Coleman, Benj. Gallup and John Walker, of Newport, appealed from the decision of Col. Byfield to Governor Dudley, who, in addition to being Governor of Massachusetts and New Hampshire, was Vice Admiral of the seas and maritime parts of Rhode Island, as well as of these colonies. Governor Dudley, on the 27th June wrote to Col. Byfield, at Bristol, stating that "if speedy proceedings and condemnation be not made, all the cargo of the prize will be embezzled or lost," and that as it was no fault of Capt. Halsey's, but an error of Governor Cranston's in granting the commission, he advised the condemnation of the prize and cargo ; the particulars of this transaction he said he would represent to her Majesty, the Queen, and in conclusion says he is "informed that the Governor as well as the people in that colony are in such disorder, that he cannot advise any other method of proceeding."—See *Documents in J. Carter Brown's Mss.*, Nos. 421, 422. J. R. B.]

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 28th day of August, 1705.

Major Samuel Cranston, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Nath'll Coddington,

Capt'n Joseph Sheffield,

Capt'n John Rogers,

Mr. Giles Slocum,

Major William Hopkins,

Capt'n Jeoffrey Champlin.

Major William Wanton, Speaker.

Lieut. Simon Smith, Clerk.

* J. Carter Brown's Manuscripts, Nos. 418, 420, Vol. VI.

Whereas, the Assembly was called by the Honorable Samuel Cranston, Esq'r, Governor's warrant, on severall things sent from England, by way of articles and complaints against this her Majesty's Collony; and whereas, our Agent hath by his letters also represented unto us from whom the complaints were made, and we being required to answer to said articles, and for the speedy care and submission to said requirings of an answer and return, requires a sum of money to be assessed on said Collony for that end and use:

Be it enacted by the Honorable the Governor and House of Representatives convened in Generall Assembly, and it is hereby enacted by the authority of the same, That there be a rate or tax assessed on the Collony of £1000, to be paid in money or other pay, according to the late Collony rate assessed on the Collony the 19th of June last past, the which said sum of £1000 shall be paid into the Generall Treasury, at two payments; and each payment put to the use or uses as followeth, viz.:

Five hundred pounds, the first payment, to be paid unto the Generall Treasurer at or by the 20th day of November next ensuing; and the other £500 to be paid unto the Generall Treasurer, at or by the 1st of January next ensuing. And out of the first £500 there shall be by way of bills of exchange or otherwise, remitted to England unto one of our Collony Agents, the sum of £300 sterling money of England, for the use of the Collony, to be employed by said Agents or either of them, [as] shall be needfull for the discharge of what is already due, and for a further supply of the Agent, which said sum of money, ordered for England, as aforesaid, shall be taken out of the Generall Treasury by his Honor the Governor, and such other Assistants with him in drawing out and sending of writings to England, unto our Agent, on the Collony's behalf, to be laid before her Majesty, in answer to the severall articles exhibited against the Collony as shall be needfull and necessary for his Honor the Governor and Assistants in said concerns, we order and appoint for one, Capt'n Joseph Sheffield. And that

his Honor the Governor, shall take such further assistance and advice in the premises as he shall think fit.

And be it further enacted by this present authority, That there shall not be taken out of the first £500 rate any Constables' fees, Deputies' allowance, nor Collony's debts, or any other officers' fees, that attend the Assembly. But they shall receive the same out of the last part of said rate to be paid in January next ensuing the date hereof; any Act to the contrary notwithstanding.

And be it further enacted, That within twenty days after the dissolution of this Assembly, the Recorder shall send forth copies of this Assembly's Acts to each town in the Collony, under the Collony's Seal, and to have five shillings for each copy, and the Generall Treasurer shall send forth his warrants within twenty days, to the Town Clerk of each town to notify the persons according to law to proceed to proportion said rate; and that the Constables of each town shall collect and deliver into the Generall Treasury each rate according to the times here ordered and prefixed. And each town's proportion to pay is as followeth:

Newport,	£281 05s.	Greenwich,	£29 10s.
Providence,	160 00	Jamestown,	46 00
Portsmouth,	175 00	New Shoreham,	30 00
Warwick,	58 00		
Westerly,	55 00		£1000 00
Kingstown,	165 05		

And be it further enacted, That what charges that his Honor the Governor, and his assistance shall be at in preparing of writings, &c., for England, or any other charge in sending for England, shall be paid unto him or them, out of the last payment of the abovesaid rate in January next.

And be it further enacted by this Assembly, That Mr. John Cam'll, of Boston, Postmaster, shall be paid twenty shillings per year for his Weekly News, sent to the Governor, out of the Generall Treasury. And that Capt'n John Cook shall have two shillings per day added to his sallary, to the eastward, which will make five shillings per day.

Governor Dudley to the Board of Trade, with charges against Rhode Island.

Right Honorable: In observance of your Lordships' commands, I caused the Governor and Company of Rhode Island and Providence Plantations to be served with the charge drawn up against that government, consisting of severall heads, and have endeavored to collect and obtain proofs to make out each Article; which I humbly offer to your Lordships in the following method, with the proofs contained in the papers accompanying this, referred to by their numbers, as they severally relate to make out the particular charges, viz.:

1. That the government of Rhode Island does not observe the Acts of Trade and Navigation; but countenance the violation thereof, by permitting and encouraging of illegall trade and piracy.

2. That Rhode Island is a receptacle of pirates, who are encouraged and harbored by that government.

3. That the government of Rhode Island harbors and protects soldiers, seamen, and servants that desert from other her Majesty's Plantations, and will not deliver them up when they are reclaimed; they also give shelter to malefactors, who make their escapes from other parts, without delivering them up when demanded.

And that great numbers of the young men go out of the Colonies of the Massachusetts Bay and New York (where they are obliged to pay taxes for the support of her Majesty's government and maintaining the war against the French and Indians) to Rhode Island, and are there entertained and induced to settle, chiefly for [the reason] that no taxes are raised there for those necessary purposes.

4. That the Collony of Rhode Island will not furnish their quota towards the fortifying of Albany and assisting of New York, the place of common security for all those parts; nor do they give due assistance to the Colony of the Massachusetts Bay, against the French and Indians.

5. That if any of her Majesty's subjects, being not an inhabitant of this Colony, sue for a debt in their Courts, they can have no right done him, if the defendant be one of that Collony.

6. That under color of their Charter, they try robberies, murders, and other crimes, make capital laws and punish with death, without any legal authority for the same; and that their proceedings in their Courts of Judicature are very arbitrary and unjust.

7. That they do not allow of the laws of England to be pleaded in their Courts, otherwise than as it may serve a turn for themselves.

8. That they have refused to allow of appeals to her Majesty in Council, and give great vexation to those that demand the same.

9. That the government have refused to submit to her Majesty and his Royal Highness's commissions of Vice-Admiralty, and for commanding their militia; and have defeated the powers given to the Governors of her Majesty's neighboring Colonies in this behalf.

10. That when Colonel Dudley went to Rhode Island to publish a commission granted to him by her Majesty, by which he is empowered to command their militia during the war; as likewise another commission, by which he is invested with

the power of Vice-Admiralty; the Governor and Council of that Island used indecent expressions towards her Majesty; saying they were ensnared and injured, and would not give (nor have they since given) due obedience to the said commissions.

11. That when Colonel Dudley desired to review their militia, in order to the making proper regulations, he could not obtain any compliance from them, notwithstanding her Majesty's commission to command their militia; but on the contrary they say, they would lose all at once, and not by pieces.

12. That the Quakers, by their interest in this government, will not admit any persons of estates or abilities into any places of publick trust.

18. That two privateers, Lawrence and Blew, commissioned by Colonel Dudley, took a Spanish ship upon the coast of Cuba, which they brought into Rhode Island, where the men were debauched by that government, and prevented from sailing to their commissioned port; where they would have been made accountable for her Majesty's dues, and rights of the Lord High Admiral. And although he wrote to the Captains directing them to bring their said prize to Boston, where they had received their commission, and the owners and sharers dwelt; but on the contrary the receiver of his Royall Highness's dues was hindered from receiving the same.

All which is humbly submitted by your Lordships' most humble and obedient servant.

J. DUDLEY.

Boston, 2d November, 1705.

[The proofs referred to of the charges preferred against Rhode Island, are embraced in forty-two documents, and are found among Mr. Brown's Manuscripts, immediately following the charges; but they are too voluminous to be inserted here. Many consist of extracts from the proceedings of the General Assembly; some are certain laws of the Colony, and others well-known transactions already mentioned at length in these records.—J. R. B.]

Lord Cornbury to the Board of Trade, relative to the charges against Rhode Island.

New York, November the 26th, 1705.

My Lords: Your Lordships' letter of the 18th of April, 1705, is come safe to my hands, with the articles against the Charter governments of Connecticut and Rhode Island, with her Majesty's Order in Council, of the 12th of February last, by which I am commanded to send copies of the said charges to the respective Governors of Connecticut and Rhode Island, for their answers. This I have obeyed, by sending copies by an express, who delivered them to the respective Governors' own hands. But I have yet no answer.

And I am further directed to transmit to her Majesty depositions taken in the most publick manner, upon oath to the truth of the severall matters laid in the charge against the said Charter governments. I will pursue her Majesty's commands in this as far as I am able. The first article is not observing the laws of Trade, and encouraging illegall trade and piracy. This article relates to both governments. That the people of Connecticut carry on an illegal trade with the east end of Long Island, is known to every body here, and appears by the condemnation of a sloop belonging to Connecticut, named the Rachel, which was condemned

for illegall trade. That they encourage piracy, appears by the depositions of Orchard and Hicks, to which I beg leave to refer you.

The next article is, that they harbor pirates. Some time before I received these articles, I was informed that two of Avery's crew were settled in Connecticut. I asked the person who told me of it, if he could make oath of it. He said no. But that he would inform himself better, and would give me a further account. He did go into Connecticut on purpose; but is not yet returned. So I cannot send any affidavit upon that article.

The next is for harboring and protecting soldiers, seamen and servants, who desert from other Plantations, and refuse to deliver them when reclaimed. This will appear by the affidavit of Capt'n Mathews, to which I refer.

The next article is for their refusing to furnish their quota towards the fortifying of Albany and assisting New York. To prove this, I must beg leave to refer your Lordships to the accounts formerly sent by my predecessors in this government for what related to their time. Since I have had the honor to serve the Queen in this Province, I have writ twice to Collonell Winthrop, the present Governor of Connecticut, to demand the quota the late King, and her Majesty (who blessed be God, now reigns), were pleased to appoint for them to pay. But all the answer I could yet get from Connecticut is, that they could not comply with my demands till they had applied to the Queen. And from Rhode Island, that they are poor, and that they are at so great charges for the putting their Island in a posture of defence, that they cannot raise that sum. This is a truth, which if they will deny, I will make oath of, whenever your Lordships will please to command me.

The next is, for denying justice to any of her Majesty's subjects, not being inhabitants of that Collony. This will be pretty plainly proved by the affidavits of one Auboineau, a merchant of this city, and Richard Sacket, a brewer of this city, who have both suffered sufficiently, and very lately by their denial of justice; the last of these two since I sent them the charge sent to me by your Lordships, as will appear by the affidavit to which I beg leave to refer.

The next is for trying robberies, murders, &c.; making capitall laws, and punishing with death without any legall authority for the same; and that the proceedings in their Courts are very arbitrary and unjust. For the proof of this, I must refer you to their book of laws, which I herewith send; and among others, to the clause in the eleventh page, marked in the margin (burglary), and the clause following; and in page the twelfth, to the two clauses marked in the margin (murder), and (murder through guile).

Now how far they are by their Charter empowered to make capitall laws, your Lordships will be best informed by looking into their Charter. That they are arbitrary and unjust, will appear by the oath of one Auboineau, I mentioned before.

The next article is, that they will not allow the laws of England to be pleaded in their Courts otherwise than as it may serve a turn for themselves. To prove this, I must refer your Lordships to the first law in their book, page the first, marked in the margin (generall priviledges of the inhabitants); and likewise to a paper entitled, A County Court holden at New London. 7ber the 20th, 1698, towards the bottom of the page, you will find this clause: (It [is] agreed by the Plaintiffs and Defendants, that the laws of England shall be pleaded and made use of in this case; and it is allowed of by this Court); and the next clause following this paper is under the Seal of the Province of Connecticut.

The next article is for refusing to allow of appeals to her Majesty's Councill. For

proof of this, I must refer you to the case of Major Palmes ; who is now going into England to make his complaint, and to the oath of James Fitch and Samuell Mason, which is attested under the Seal of Rhode Island.

The next article is, for refusing to submit to her Majesty and his Royall Highness's commissions of Vice Admiralty, and for commanding their militia. I dont doubt but those who have had the honor to serve the Crown in this government before me, have given full accounts of that matter in their time. As for my time, I must acquaint your Lordships, that two years ago, Collonell Winthrop, who was then, and now is, Governor of Connecticut, came to make me a visit. I then took the opportunity to tell him, that I would go into Connecticut and publish my commission for the command of their militia, and my commission to be Vice Admirall. He told me whenever I would come into Connecticut, I should be welcome ; but they would not part with their militia. In the seventy-sixth page of their book, you will find their laws about the militia, and in the 68th page you will find their laws about maritime affairs.

The next and last article is, for making a law against all religions but their own. This appears very plainly by their law in page the 29th, under the head (ecclesiasticall). That that law has been put in practice, appears by the commitment of John Pearce, Daniel Pearce and John Mosse, to which I beg leave to refer your Lordships ; it is certified under the Seal of Rhode Island.

Thus I have endeavored to answer the commands the Queen was pleased to honor me with, as well as I can at present. I should have been able to have done it better, had not some of the Magistrates of Connecticut frightened severall people from coming over to me to Long Island, who would have been able and willing to give very full evidence upon severall of the articles, but now durst not. I hope I shall find a time more favorable to get their depositions ; and if I do, I will not fail to transmit them to your Lordships. In the mean time, give me leave to observe to you, that the first law in their book, abrogates all the laws of England at once. I beg leave to recommend to your perusall a law of theirs in the 28th page of their book, under the head of (divorce), and likewise entreat you to consider the oath of a Grand Juryman. You will find it in the 88th page of their book of laws, marked in the margin (Grand Juror's Oath). I could make severall other observations upon their laws, but I am afraid of tiring your Lordships' patience ; besides, since I send the book, I am satisfied you will make much better observations upon them than I am capable of doing. Therefore, I shall trouble your Lordships no more at present, but remain with great respect, my Lords,

Our Lordship's most faithfull humble servant,

CORNBURY.

Answer to the severall charges exhibited against the Governor and Company of her Majesty's Collony of Rhode Island and Providence Plantations, bearing date from Whitehall, March 26, 1705.

These respondents saving to themselves the benefit of exceptions to the uncertainties and imperfections of the said charges which (with humble submission, being so many and apparent, do not require any answer) nevertheless, in obedience to her Majesty's Order in Councill, to which these respondents shall ever pay all due obedience, answer as follows :

1 and 2. As to the first and second charge, they deny that the government of said Collony does not observe the Acts of Trade and Navigation, or countenances the violation thereof by permitting and encouraging of illegall trade and piracy; or that the Collony is a receptacle of pirates, who are encouraged and harbored by the government. And for further answer to the said articles do say, the same contains matters highly criminal; and that they do not only detest such practices, but are not capable of being guilty of the same; but to the utmost have endeavored to suppress all such crimes with the abettors; and likewise to uphold and maintain not only the Acts of Trade, &c., but all other her Majesty's laws relating to the government of said Collony.

3. As to the third article, so much of it as relates to harboring and protecting soldiers, seamen, and those that desert, and giving shelter to malefactors, by the government, without delivering them up when demanded, &c.

These respondents deny the same; and for answer say, that if at any time persons under those circumstances fled into said Collony, upon notice thereof given, due methods have been taken as the law in such cases directs.

As to the other parts of said article, these respondents further say: this her Majesty's Collony is free for any of her Majesty's subjects to come and inhabit there, nor is it in the respondents' power to hinder or prevent them therefrom. And further say, that where one person or family hath removed out of other Provinces or Collonies into this, there hath five times the number gone out of this Collony (which were inhabitants in the same) and settled in other Provinces, &c. The which we deem to be the privilege of every English subject; and we do deny that any considerable number of young men hath fled out of other Provinces into this Collony, or have been any ways harbored or sheltered in the same; or that no rates or taxes are raised in said Collony for the support of her Majesty's interest and government, but on the contrary say that they have been at more than six thousand pounds charge within this seven years in fortifying and other charge occasioned in maintaining and defending her Majesty's interest against the common enemy, and support of the government.

As to the fourth article, that this Collony will not furnish their quota, &c. For answer say, that they are advised by counsel learned in the law, that they are not obliged by law to furnish the other Provinces or Collonies with any quota, nor do they apprehend there is any necessity for the same. Notwithstanding which (in obedience to her Majesty's commands), these respondents say, they have assisted and furnished the Province of the Massachusetts with a quota of men, to the considerable charge of the Collony, who did her Majesty good service, as likewise keeping out and maintaining scouts upon the borders or frontiers of said Province, whose good service hath been thankfully acknowledged by the inhabitants of that Province. As to the quota for the fortifying of the frontiers of her Majesty's Province of New York. These respondents say, that (notwithstanding what is before premised, as to the necessity, &c.), they never refused the same; but did by their humble address to her Majesty, bearing date the 30th June, 1703, pray her Majesty's remittance thereof, by reason this Collony is a frontier to the sea, and none of her Majesty's Provinces in America [are] more exposed to the danger and assaults of the common enemy; to which address, we have not as yet received her Majesty's commands.

5. As to the fifth article, that if any of her Majesty's subjects being not inhabit-

ants of this Collony, sue for debt in the Courts, they can have no rights, &c. These respondents say the same is frivolous, and deny the truth thereof.

6. As to the sixth article, that under color of the Charter, we try robberies, &c. These respondents say, their Charter expressly empowers them to try all crimes, and make all manner of wholesome laws, and deny that their proceedings are arbitrary and unjust, but say the same are just and regular.

7. As to the seventh article, that they do not allow the laws of England to be pleaded in these Courts, &c.

These respondents say, that they do allow the laws of England to be pleaded in all cases, without partiality (as well for strangers as for serving their own turns) where their own laws do not extend to, and that the various circumstances of time and place and people do often make it necessary to enact and establish laws different (though not repugnant) to the laws of England, and say that their Charter expressly empowers them so to do.

8. As to the 8th article, that they refuse to allow of appeals, &c. These respondents deny they have refused to allow of appeals to her Majesty in Councill, when duly applied for, and the matter and value of the matter in question require the same, and have (for want of instructions in that case) granted an appeal for the value of twenty pounds, which with humble submission, we conceive to be frivolous and vexatious.

9. As to the ninth article, that the government have refused to submit to her Majesty and Royall Highness's commissions for commanding their militia of said Collony, &c.

These respondents say, that they are advised by counsell learned in the law, that the militia of said Collony or power of commanding thereof, is fully granted to them by their Charter; and that they have been in possession of the same above forty years; and as to the Vice Admiralty, these respondents further say, they have fully complied with her Majesty's commands in that behalf, saving to themselves their right granted by Charter for granting commissions to private men of war for the defence of her Majesty's interest, and the annoying the common enemy, pursuant to her Majesty's Declaration of War, against France and Spain; and her Majesty's command to us upon the same, by [the] Right Honorable Earl of Nottingham, one of her Majesty's Principal Secretaries of State.

10. As to the tenth article, that the Governor and Councill used indecent words towards her Majesty, &c.

These respondents deny that they ever used any indecent words towards her Majesty, nor do the words therein mentioned, import or imply any such indecency.

11. As to the eleventh article, the respondents say, that for the reasons rendered in answer to the ninth article, they could not own or submit to Collonell Dudley's exercising those powers within this Collony.

12. As to the twelfth article, that the Quakers by their interest, will not admit of any person of estates or abilities unto any place of public trust. These respondents deny the same, and say, that the Governor, Deputy Governor, and others in places of public trusts, are persons of estates, known abilities, and loyalty, and well affected to her Majesty's government; and are qualified according to law, and the constitution of the government.

13. As to the last article, relating to Lawrence and Blew, &c.. their being de-

baunched by the government and prevented from going to their commissioned port, and hindering the Collector and Receiver from receiving of his Royall Highness's dues.

These respondents for answer say, the same is uncertain and generall, and that the charge is false and untrue, and cannot be maintained or justified. And further say, that said Lawrence and Blew, &c., according to their instructions brought said prize into this government, and put the same into the Governor's possession for the security of the Lord High Admiral's dues as the law in such cases provides. Notwithstanding they had their liberty to go to their commissioned port if they had seen cause, without any debauchery by the government, as insinuated; and all due methods and care was taken to prevent embezzlement and the security [of] the Lord High Admiral's dues, to the satisfaction of the Collector and Receiver, and content of the owners and sharers.

These respondents pray leave to amend, alter or add to this their answer to the aforesaid charges, as there may be occasion.*

Signed by order of the Governor and Company of her Majesty's

Collony of Rhode Island, abovesaid, this 28th of August, 1705.

WESTON CLARKE, Secretary.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Warwick, the last Wednesday in October, 1705.

Coll. Samuell Cranston, Governor.

Lieut. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Nath'll Coddington,

Capt'n John Rogers,

Major William Hopkins,

Mr. Joseph Williams,

Mr. Randall Holden,

Mr. Richard Greene.

Capt'n Jeoffrey Champlin.

DEPUTIES.

For Newport.

Capt'n James Barker,

Mr. Henry Brightman,

Major William Wanton,

* J. Carter Brown's Manuscripts, Vol. VI. Nos. 425, 435, 436.

DEPUTIES.

For Newport.

Mr. William Parker,
Mr. Joseph Gardner,
Lieut. Richard Dunn.

For Providence.

Major John Dexter.
Capt'n Samuell Wilkinson,
Lieut. Joseph Jencks,
Mr. William Hawkins.

For Portsmouth.

Mr. John Burden,
Mr. George Cornell,
Mr. Giles Slocum, Jun'r,
Mr. William Allen.

For Warwick.

Mr. Benjamin Barton,
Lieut. Simon Smith.
Lieut. Samuell Stafford.

For Westerly.

Mr. John Gorton,
Mr. Joseph Maxon.

For Kings Towne.

Mr. Edward Larkin,
Mr. William Hall.

For New Shoreham.

Capt'n Nath. Niles.

For East Greenwich.

Capt'n Thomas Fry,
Ensign Tho. Newbold.

For James Towne.

Mr. Ebenzer Slocum,
Mr. John Carr.

Major William Wanton, Speaker.

Lieut. Simon Smith, Clerk.

An Act for the Generall Assembly to be continued a Court of Chancery, untill such time as a Court of Chancery can be erected.

Whereas, it hath been represented to this Assembly the great benefit that it might be, to have a Court of Chancery erected and settled in this her Majesty's Collony; but this Assembly having considered the rules and method for the way and proceedings in such a Court, with the rules and constitutions thereof, being of great weight and concernment, and requires mature consideration for orderly settling thereof, which we conceive cannot at present at this Assembly be settled:

Therefore be it enacted by the Honorable the Governor with the House of Magistrates and Representatives convened in Generall Assembly, and it is hereby enacted by the authority

of the same, That the Generall Assembly at all times convened in Generall Assembly, shall be a Court of Chancery as formerly it hath been, untill such time as a more proper Court of Chancery may be conveniently erected and settled.

An Act that the dividing line between the towns of Kingstown and Greenwich be surveyed and laid out, according to the Collony's grant, and originall plot, or authentick copy.

Whereas, there was presented to this Assembly a petition by the inhabitants of Kingstown, praying there may be a dividing line between the towns aforesaid; and that the line between said towns may be run and set out, for the ending of differences between said towns :

Be it therefore enacted by this Assembly and the authority thereof, That Major William Hopkins and Mr. John Mumford, are appointed Survey[ors], with such assistance as they shall think meet, to run said dividing line; which the Surveyors shall do in March next ensuing, according to the originall plot of East Greenwich, granted by the Collony, or an authentic copy, &c. If found that the township of Greenwich have run their line on the township of Kingstown, then they to pay all the charge of the survey; and if it be found otherwise, then the town of Kingstown shall pay all the charge.

An Act for settling the office of a Publick Notary in this Collony.

It is enacted by this present Assembly and the authority thereof, That the Recorder chosen in this Collony yearly at the election of Generall Officers, shall keep the office of a Publick Notary; and that no person shall officiate in said office untill he be so chosen and engaged to the same. And the Recorder that is now present, shall officiate in said office untill the next election of Generall Officers, according to the Charter.

And whereas Major John Greene, hath presented to this Assembly a petition or request for the sum of £60, which he demands for a debt due from the Collony for services done in England, the petition being considered :

It is therefore enacted by this present Assembly and the au-

thority thereof, and it is hereby enacted, That the said Major John Greene shall be allowed unto him the sum of £30, to be paid him out of the Generall Treasury of the Collony, for his service; but not to be paid him out of the last rate assessed in this Collony, but shall be paid out of the next rate to be assessed on the Collony.

And whereas this Assembly is informed that the rate makers in some towns in this Collony do charge for their time more days on the making any Collony rate than needfull; and for restricting the same:

Be it enacted by this Assembly and the authority thereof, That no persons appointed rate makers in any town in this Collony shall be paid for above three days time and expense on the making any rate which we are sensible may be accomplished in said time; any Act to the contrary notwithstanding.

An Act for stating the Generall Treasurer's sallary for the future.

Whereas, the Collony rates and taxes are many, and the sallary of the Generall Treasurer being great, and more than can be reasonably allowed:

Be it therefore enacted by this Assembly and the authority thereof, That from and after the next Generall Election of Generall Officers, that the Generall Treasurer's fees out of any Collony rate, shall be but sixpence in the pound, and no more; any Act or Acts in the Collony to the contrary in any wise notwithstanding.

And whereas, the charge, trouble and expense in the Collony is great in sending forth warrants for the election and choice of Deputies in the severall towns in the Collony for two Assemblies to be held annually according to the Charter:

Be it therefore enacted, That for the future every town in this Collony shall choose their respective Deputies; and also their respective Jurymen, at their quarter meeting; who shall have notice given them by the Assistants, Justices, or Wardens of said town where they are chosen; and they to attend and yield obedience to said choice, as has been heretofore accus-

tomed on said penalties. But if urgent occasions be for choice of Deputies or Jurymen, then the Governor's warrant to go forth to the Sheriff to notify to the Assistants, Justices or Wardens of the severall towns to choose such and so many persons to attend such Collony service as in such cases may be required ; and the Sheriff to be allowed the sum of twenty-five shillings for the nine warrants ; any Act or Acts to the contrary, in any wise notwithstanding.

And be it further enacted, That what Acts are passed in this sessions, shall be published in the town of Newport, by beat of drum ten days after the dissolution of this Assembly ; and copies thereof sent to each town within twenty days, under the Seal of the Collony ; and the Recorder to have four shillings for each copy, paid out of the Generall Treasury in money, and this Assembly be dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Newport, the 1st of May, 1706.

Coll. Samuel Cranston, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Nath'll Coddington,
Major William Wanton,
Major William Hopkins,
Mr. Joseph Williams,
Mr. George Brownell,

Mr. Thomas Cornell, Jun'r,
Mr. Randall Holden,
Mr. Richard Greene,
Capt'n Jeoffrey Champlin,
Capt'n John Eldridge.

DEPUTIES.

For Newport.

Mr. Benjamin Arnold,
 Mr. James Barker,
 Mr. Jonathan Holmes,
 Mr. Henry Brightman,
 Mr. James Coggeshall,
 Lieut. Richard Dunn.

For Providence.

Mr. Thos. Harris,
 Mr. Thos. Field,
 Mr. Gideon Crawford.
 Mr. John Sayles.

For Portsmouth.

Capt'n Caleb Arnold,
 Mr. William Earle.
 Mr. Isaac Lawton,

For Warwick.

Mr. Benjamin Barton,
 Mr. Israel Arnold,
 Mr. Jno. Waterman,
 Mr. Jno. Weekes.

For Westerly.

Mr. Joseph Clarke,
 Mr. William Champlin.

For Kings Town.

Mr. Stephen Hazzard,
 Mr. William Knowles.

For New Shoreham.

Mr. Jno. Rodman,
 Mr. William Hancock.

For East Greenwich.

Mr. Pardon Tillinghast.
 Mr. Michael Spencer.

For James Town.

Mr. Edward Carr,
 Mr. Daniell Coggeshall.

Mr. Benjamin Arnold, Speaker.

Capt'n Edward Carr, Clerk of the House of Deputies.

Both Houses resolved into a Committee at the Collony House, in Newport, in order to perform the Election.

Major Coddington and Capt'n Jeoffrey Champlin, Assistants, are appointed to open the proxy votes.

Mr. Benjamin Arnold, Mr. Gideon Crawford, Mr. George Sisson, Mr. Israell Arnold, to receive the votes.

The following persons were chosen, and severally engaged.

RECORDER.

Mr. Weston Clarke.

SHERIFF.

Mr. William Coddington.

GENERAL TREASURER.

Capt'n Nathaniell Sheffield.

GENERAL ATTORNEY.

Lieut. Simon Smith.

MAJOR FOR THE ISLANDS.

Major Henry Tew.

MAJOR FOR THE MAIN.

Major Randall Holden.

The following Justices of the Peace were chosen and engaged.

For Newport.

Capt'n John Rogers,
Capt'n Nathaniell Sheffield,
Mr. Edward Smith.

For Providence.

Capt'n Thomas Fenner,
Mr. Ebenezer Arnold,
Mr. Phillip Tillinghast.

For Portsmouth.

Mr. Giles Slocum, Jun'r,
Mr. John Coggeshall.

For Warwick.

Lieut. Simon Smith.

For Westerly.

Capt'n William Champlin,
Mr. Peter Crandall,
Mr. James Noyes.

For Kings Town.

Mr. Stephen Hazzard,
Mr. William Hall.

For East Greenwich.

Capt'n Thomas Fry,
Mr. Pardon Tillinghast.

Mr. James Clarke, chosen Packer, Sealer, and Gauger.

Freemen made in said Assemblies.

William Bowdish, John Rodman, Richard Mew, Jeremiah Mecom, Peleg Smith, Jno. Lancaster, Ezekiell Bull, and Samuel Pike, all of the town of Newport, admitted freemen of the Collony.

Jno. Tripp, Job Almy, William Coggeshall, Isaac Lawton, Jun'r, William Sanford, Benjamin Shearman, Jun'r, George Thomas, Tho. Brayton, Tho. Jeffrey, Joseph Burden, Preserved Brayton, and Benjamin Tripp, all of the town of Portsmouth admitted freemen of the Collony.

Whereas, Jno. Carr, of Jamestown, recovered judgment of a Court of Trialls, the first Tuesday in September, 1705, against Sarah Carr, widow, for cost of Court upon his appeal from a judgment given by Edward Carr, and Jno. Weeden, Wardens of said Jamestown, the 3d of September, 1705, from which judgment and verdict of the Court of Trialls, in September, aforesaid, the said Sarah Carr appealed to the Generall Assem-

bly, at Warwick, 1705; which Assembly referred the hearing thereof to the Governor [and] Assistants in May, 1705:

The Assembly do unanimously agree and declare, upon the debate of the case, and reading of the will of Caleb Carr, Esq'r, late of Newport, deceased, do order and enact, That the said Jno. Carr shall pay the annuall legacy sued for, to his grandmother, Mrs. Sarah Carr, according to said will, and pay the cost of triall in this Assembly.

Voted, Isaac Royall, plaintiff, upon an appeal to this Assembly, sitting in Newport, the 1st of May, 1706, Stephen Northrop and Joseph Northrop, defendants, the reason of appeal and answer read in the Assembly:

The vote of the Assembly is, upon good consideration, That that verdict of the Justices, and judgment of the Courts of Trialls in September, 1705, and the last Tuesday in March, 1706, is good, and ought not to be reversed; and the appellants to pay the cost in this Assembly.

Voted, Samson Batty, of Jamestown, appealing to this Assembly, from two judgments given against him, the first in September, 1705, and the second the last Tuesday in March, 1706, wherein Col. Samuel Cranston was plaintiff, and the said Batty defendant; and the said Batty not entering his reasons of appeal, as the law in such cases provides:

Therefore, it is ordered and enacted by this Assembly, That the said Samuel Cranston ought to have execution, according to the verdict of Juries and judgments of said Courts.

Voted, John Albrow, of Portsmouth, appealing to this Assembly from two verdicts of Juries and judgments of a Court of Trialls given against him; the first, on the first Tuesday in September, 1705, and the second, the last Tuesday in March, 1706; wherein Mr. James Noyes, of Westerly, was defendant, the case fairly debated in the Assembly:

The order and vote is, That the judgment of said Courts is good, and ought to stand, and not be reversed; upon which judgment of the Assembly, the said Albrow appeals to her Majesty and Councill, and hath given bond for the prosecuting said appeal.

Voted, John Daniss, petitioning this Assembly to revise a sentence passed against him at the Generall Court of Trialls, the last Tuesday in March, 1706, being indicted for homicide, and by the jury found Chance Meadley on the suspicion of murdering one Benjamin Downing, of Westerly :

The Assembly, upon consideration, do remit the forfeiture of his personall estate forfeited to her Majesty, for the use of the Collony ; and that his own bond be taken for his good behaviour ; his reall estate being made over to her Majesty, for performance thereof. And what is more in the sentence, to be observed.

An Act for erecting and equipping of Forts.

Be it enacted by the Honorable the Governor and Councill, with the House of Representatives convened in Generall Assembly, and by the authority of the same enacted, That a tax shall be levied upon the severall towns in the Collony, of the sum of £700, and for several uses for her Majesty, as follows, viz. : said sum to be put to the uses following :

Four hundred pounds shall be for the further building, repairing and rectifying and finishing her Majesty's Fort at Goat Island, alias Fort Island, in the township of Newport, and £100 for a magazine for said Fort ; and the other £200 for the paying the Collony's debts.

And be it enacted by the authority aforesaid, That the said sums shall, according to the laws and Acts of the Collony, [be] gathered and paid into the Generall Treasury, at or by the 1st of August next ensuing, and the last of October next ensuing, which is to be as followeth :

Five hundred pounds shall be the first payment which shall be gathered by the 1st day of August, as abovesaid ; and £200 of said money for the Fort ; and £200 for the payment of the Collony's debts ; and £100 for the magazine for the fort ; and the last £200 to be paid for the use of the Fort, which is to be gathered by the last of October next ensuing. All which said sums to be paid by the times appointed, in money, or such species as the Collony produceth in each town, to be paid at the prices according to the last £1000 rate assessed on the

Collony; and care be taken by the persons empowered for the same, to order the proportioning said rates and gathering according to the laws of said Collony, made and provided for the same.

And be it further enacted by the authority aforesaid, That for the managing and taking care of repairing said Fort, Capt. Nath'l Sheffield shall be the person to see it done; and for his service shall be paid out of the Generall Treasury the sum of four shillings for each day's service whilst about said work. And the said Sheffield shall take his advice and follow the directions of his Honor the Governor, Major Henry Tew, Major Nathaniell Coddington, and Major William Wanton, or such of them, as with the Governor shall order and direct how said work on said Fort shall be done.

And be it further enacted by the authority aforesaid, That the laws of the Collony shall be drawn forth fit for the press. And that a Committee be chosen and appointed for the same. And the said Committee so chosen shall, when the laws are by said Committee renewed and allowed for the press, cause them to be printed at or by the last of October next ensuing; and retain one of said books to the Governor, for the use of the Collony; and each Town Clerk of each town, to have one for the use of each town. And the persons that cause such laws to be printed, shall have five pounds paid them out of the Generall Treasury of the Collony, and the benefit of selling all such laws so printed. And the persons that have taken pains to draw such laws fit for the press, shall be paid out of the Generall Treasury.

And be it further enacted by the authority aforesaid, The line between Kingstown and Greenwich, which was ordered by the Generall Assembly, held at Warwick, the last Wednesday in October, 1705, last past, reference may be had thereunto, according to said Act, the Committee that is chosen by Kingstown and Greenwich, to see said line run between said towns, shall give notice to Major William Hopkins, and Mr. Jno. Mumford, setting the day and time to meet on the accomplishing the same, which said line shall be run at or by the 1st of

June next ensuing, according to said Act made at Warwick, the charge is to be borne.

And be it further enacted by the authority aforesaid, That the inhabitants of each respective town in this Collony, are hereby required to bring in a true account of their rateable estate, according to the laws of the Collony; showing what estate is rateable. All which estate shall be brought into the Town Councill of each town, at or by the 1st of September next ensuing. And any person or persons that in any town shall be found guilty of not giving a true account of his or her rateable estate, according to what is herein enacted; and if so, proceed against him or her, then upon complaint to any Assistant or Justice of the Peace, where and in such town where the delinquent person or persons dwell, a warrant shall go forth from the said Assistants or Justices of the Peace, for the serving the same, which after charges paid out of said estate so seized, the informer shall have one half, and what remaining. And the other shall be put into the Town Treasury of said town where so seized, for the use of the poor of said town. And the accounts so taken by the Town Councill of each town, sent in to the next Generall Assembly, at Providence, that there may be an equall proportion assessed on each town upon any rate or rates.

And be it further enacted by the authority aforesaid, That relating [to] what were ordered from her Majesty in Councill, concerning the petition presented by Andrew Harris and others, of Providence, there are men appointed to examine here and draw up an account of what they find in reference for a return, according to her Majesty's command; which persons so nominated, for Newport, Mr. Weston Clarke; for Warwick, Mr. Benjamin Barton; which said persons are to meet at Newport the second Tuesday in June next.* Also to examine the con-'

* *The Governor and Council of Rhode Island to the Board of Trade, in reply to Andrew Harris' petition.*

Right Honorable: In obedience to her Majesty's Royall command, bearing date from St. James's the 18th December, 1705, relating to the petition and complaint

cerns relating to Thomas Newton's complaint [about] Hogg Island, and after they have searched the Records and drawn

of one Andrew Harris, Thomas Field and Nathaniell Waterman, of Pawtuxet, in New England, &c.

We have sent our answer to said complaint, with the copies of what we find upon record relating to the same, to our Agent, William Wharton, Esq'r, by him to be communicated to your Lordships, by which we doubt not but your Lordships will be made sensible that the government had done their duty according to the command they received; and the petitioners had no cause of complaint against the government. We therefore pray a favorable report from your Lordships to our gracious Majesty the Queen, and her most noble and learned Council, relating to the same. And that you will be pleased to admit our said Agent, to make such further answer and plea, in behalf of the Collony and government, as he shall or may see occasion, according to his instructions. Also praying your Lordships' further favor in all cases, that may relate to this government; and that you will extend your charity towards us so far as to believe we are her Majesty's loyall and faithfull subjects; and that we are not so contemptible and remiss as our adversaries have endeavored to render us, and we fear doth still endeavor to do. But we doubt not but God Almighty in his good time, will discover their unjust and prejudiciall designs against us.

And as we are in duty bound (as well as to prevent the designs of our adversaries in their misrepresentations), shall presume to advise your Lordships of the state and affairs of the government this present summer, which through the mercy and blessing of God hath been hitherto preserved from the assaults of the common enemy; although we have not been without fear and apprehension of danger, especially from the French fleet and forces that sacked and plundered the Islands of St. Xophers and Nevis; the Generall and Admirall of said fleet giving out threatnings against these parts, so that we have been and are still upon our watch and guard, and have cast up and raised severall breast-works and batteries about the town of Newport (the metropolis of this her Majesty's Collony), in order to prevent the enemy from landing near said town, we having the greater advantage, if they should land at a distance, and annoy them and defend ourselves.

We have been also this summer as well as the last, obliged to maintain a quota of men at Block Island, for the defence of said Island, and security of her Majesty's interest there, besides the continuall wards and watches kept upon the sea coast of this Collony, and the Island scouts is no small charge to the same. And our often fitting and sending out vessells upon the discovery, and to secure the coast according to our strength and abilities, hath done good service for the adjacent Provinces and Collonies, as well as for this her Majesty's Collony. And the readiness and willingness of our people, upon any expedition for her Majesty's service cannot but be acknowledged by the greatest of our adversaries.

We shall only instance to your Lordships one which happened about two months since, viz.: an express being sent to the Governor, that a French Privateer had taken a trading sloop laden with provisions, upon the coast (the evening before the express came) the Governor upon the receipt of said news, immediately caused proclamation to be made for volunteers (as our custom is in such cases) to go against her Majesty's enemies; and in two hours' time had two sloops (which he had taken

up what they find on each concerns, to return the same to the Honorable the Governor and Councill of said Collony, and the charges to be paid by the Collony aforesaid, ——— person's attendance.

up for said service) fitted and manned with one hundred and twenty men, who, within three hours after, upon the coast of Block Island, made themselves masters of said French Privateer, and the prize she had taken, and brought them into this port.

The Privateer was from Patiet Guavers, a sloop manned with forty men, the which expedition gave a generall satisfaction to the whole country, by reason of the suddenness thereof; and that said Privateer was going off with his prize to Port Royall, where they were in great want of provisions.

May it please your Lordships: We do not boast or vallow ourselves upon what we have done (acknowledging it our duty at all times to serve her Majesty to the utmost of our strength and abilities), but that her Majesty and your Lordships may be rightly informed of our state, and to prevent false reports; therefore do we presume to give your Lordships the trouble of the aforesaid account.

We also presume further to inform your Lordships, that this Collony hath been and is at considerable charge, in maintaining and keeping of prisoners that hath been taken and brought into the same. The charge of keeping the late prisoners, has already stood the Collony in near one hundred pounds, all which we presume to lay before your Lordships for the reasons aforesaid; and that her Majesty and your Lordships may know that our adversaries hath aspersed us with gross and false representations.

We congratulate her Majesty in her great and glorious enterprizes and success of her victorious arms (in conjunction with her allies) against the common enemy, and supplicate his Divine Majesty, the King of kings, that he will still continue his protecting arm, and make her arms still more victorious; and that her fame and renown for the honor and glory of the nations may extend to the utmost corners of the earth. We also pray for her Majesty's health, and that it will please God to grant her a long and glorious reign over us, and that when it shall please the Almighty to call her from her earthly crown, that he will crown her with a crown of righteousness and everlasting glory: We also pray for your Lordships' health and prosperity, and that it may please God to add to your great wisdoms and understandings, so as you may discern between the just and unjust, and between the faithfull and unfaithfull.*

We subscribe her Majesty's loyall and faithfull (though poor and despised) subjects, and your Lordships' humble and obedient servants, the Governor and Company of her Majesty's Collony of Rhode Island and Providence Plantations, in New England.

Signed per order,

WESTON CLARKE, Secretary.

Newport, September the 14th, 1706.

* J. Garter Brown's Manuscripts, No. 437, Vol. VI.

The rate assessed by the Collony on the severall towns, to be paid according to said Acts, is as followeth :

Newport, -	£140 12s. 6d.	Jamestown, -	23 00 0
Providence, .	- 80 00 0	New Shoreham,	15 00 0
Portsmouth, -	87 10 0	Greenwich, -	14 05 0
Warwick, -	29 00 0		
Kingstown, -	82 12s. 6d.		£500 00 0
Westerly, -	- 27 10 0		

The £200 rate.

Newport, -	£56 05s.	Westerly, -	£11 00s.
Providence, -	32 00	Jamestown, -	- 09 04
Portsmouth, -	- 35 00	Greenwich, -	05 18
Warwick, -	11 12	New Shoreham, -	06 00
Kingstown, -	- 33 01		
			£200 00

Voted, and be it enacted further by this Assembly and the authority thereof, That on all appeals by any person in said Collony to England, to her Majesty in Council, bond for the prosecuting all said appeals shall be given to the Governor and Council, to prosecute said appeals according to the time given and agreed on by the Governor and Council, for all persons that shall have appeal allowed them ; and the appelee shall be cited to appear in England before her Majesty and Council to answer.

Voted, and be it further enacted by the authority aforesaid, That each town in this Collony is required before the gathering the next rate, which is to be gathered throughout the severall towns of the said Collony, to state the severall Constables' precincts in each town, for the gathering the rates and taxes, that copies of the same be returned to the Generall Treasurer, with the names of the Constables annually chosen. And that the rate makers make a particular list of the inhabitants within each Constable's precincts, and return the same to the Town Clerk, according to law ; and the Treasurer upon receipt of each list, shall give forth a warrant to each Constable, and to be allowed out of the Generall Treasury one shil-

ling for each warrant ; and that each Constable be liable and responsible to the Treasurer to make good the sums in the rate bills sent him, or liable by the Treasurer to be recovered by an action : any Act or Acts to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, The Honorable Governor shall have the privilege to take such assistance as he shall think fit to perform what hath been proposed about drawing the body of laws into a form, and all other things relating to the Assembly's Acts, proper for printing ; and to order some persons to agree for the printing the same. And what shall be so done by the Honorable Governor and his order therein, there shall be payment made for the same to the persons that are at the charge and trouble, out of the Generall Treasury.

Voted, and be it further enacted by this Assembly and the authority of the same, That part of an Act made in Generall Assembly in June last past, concerning the commissioned officers in each town in the Collony to be chosen by the freeholders is repealed ; and that the former Acts for the soldiers to choose their commissioned officers is again restored and renewed ; any Act or Acts, clause or clauses, to the contrary in any wise notwithstanding.

Voted, and be it further enacted by this Assembly and the authority thereof, That for the future, each town within this Collony shall pay their respective Deputies or Representatives chosen by each town within this Collony legally chosen and returned according to law ; any law or laws to the contrary hereof in any wise notwithstanding.

Voted, That the Recorder send forth copies of these Acts to the severall towns within this Collony, within fourteen days after the dissolution of this Assembly ; and to be allowed six shillings [in] money for each copy, under the Seal, to be paid out of the Generall Assembly.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Newport, the 3d day of July, 1706.

Coll. Samuel Cranston, Governor.

Mr. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Nath'l Coddington,

Major William Wanton.

Mr. George Brownell,

Mr. Tho. Cornell,

Capt'n John Eldredge,

DEPUTIES.

For Newport.

Capt'n Jonathan Holmes,

Capt'n John Wanton,

Capt'n James Brown,

Mr. Edward Smith,

Capt'n James Barker,

Mr. Edward Thurston, Jun'r.

For Providence.

Mr. Eleazer Arnold,

Mr. Jonathan Sprague,

Mr. Joseph Whipple.

For Portsmouth.

Capt'n Caleb Arnold,

Mr. Isaac Lawton,

Mr. Benjamin Hall.

Mr. William Earle.

For Warwick.

Mr. Israel Arnold,

Capt'n Peter Greene.

For Westerly.

Capt'n William Champlin,

Mr. Christopher Champlin.

For Kings Towne.

Mr. William Knowles,

Mr. George Hasard.

For James Towne.

Mr. John Hull,

Mr. Samson Batty.

For East Greenwich.

Mr. John Nicholls,

Capt'n Thomas Fry,

Be it enacted by the Honorable Governor and Councill and House of Representatives convened in Generall Assembly, and it is hereby enacted by the authority aforesaid, That there shall be a tax levied on the Collony, of the sum of £300, to be

levied and proportioned on each town in said Collony, according to the former Acts and orders, which said sum so proportioned, shall be paid in to the Generall Treasury, at or by the last of October next ensuing the date hereof, in money or such specie as by the Collony Acts is ordered and enacted to be paid to the Generall Treasurer in the last £1000 rate assessed on the Collony. And the persons chosen and empowered to proportion each town's part, shall proceed as they did in the £200 rate assessed on the Collony the 1st day of May last past.

And be it further enacted by the authority aforesaid, That the said sum assessed, shall be taken out of the Generall Treasury by the Governor's order for and to the payment of the Collony debt, and defray the charges the Collony is obliged to defray.

And be it enacted by the authority aforesaid, That of the £400 ordered and enacted by the Generall Assembly in May last, for and towards the repairing the Fort on Fort Island, £200 of said sum, which is to be paid into the Generall Treasury at or upon the 1st day of August next, shall be by his Honor the Governor's order, taken to pay the Collony's charge on the present expedition that hath been in taking the French sloop, and paying to the keeping the prisoners, and other charges needfull and necessary to be done on any expedition for the safety and good of the Collony.

And be it further enacted by the authority aforesaid, That £200 of the now present tax, of the said £300, shall be, and remain in the Generall Treasury, to answer for and to make good the £200 taken out by this Act, which was ordered for the use of the Fort, for which the £200 was ordered for the Collony's present use.

The Assembly being sensible of his Honor the Governor's extraordinary trouble in setting out the sloops in the last expedition, where they did good service for her Majesty and honor to the Collony:

The Assembly do order his Honor the Governor, five pounds money, to be paid out of the Generall Treasury, for a present gratuity.

Be it further enacted by this Assembly and the authority

thereof, That if the honored Governor shall have occasion, or find necessity to take up or improve any vessells for the Collony's service to send out in case of any invasion, that the said vessell or vessells so taken up as aforesaid, before any use be made of them, shall be appraized by two men; one to be chosen by the Governor, the other by the owner or owners of said vessells. And in case the said vessell or vessells should miscarry or receive damage, the just charge and damage shall be paid by the Collony.

And it is hereby enacted, That the Governor hath liberty granted him, that upon a sudden invasion within the precincts of this her Majesty's Collony, to press any vessell or vessells for the Collony's service, as aforesaid, with other necessaries as may be by his Honor the Governor judged needfull; and the cost and charge shall be paid by the Collony; provided he proceed according to this Act.

Report on the Boundary line between Kingstown and East Greenwich.

Whereas, we, the subscribers, being appointed by the Generall Assembly of this her Majesty's Collony of Rhode Island and Providence Plantations, sitting in the Collony House at Newport, the 1st day of May, 1706, to run the dividing line between the towns of Kingstown and Greenwich, according to an Act of the Generall Assembly, held at Warwick, the last Wednesday of October, 1705; and in obedience to said Act, we have run the line between the said towns of Kingstown and Greenwich, according to an attested copy of the originall plott of the township of East Greenwich. And in running said line, find no essential error in the line run by Capt'n James Carder formerly. And it is our opinion and judgment, that Kingstown ought to pay the charge of running said line, which amounteth to four pounds, and six shillings. And this we give as our return of said work.

Greenwich, the 31st day of May, 1706.

WILLIAM HOPKINS, Surveyor,
JOHN MUMFORD, “

At the Generall Assembly, July 3, 1706, Mr. John Mumford, one of the Surveyors and subscribers hereunto, appeared in Court, and made oath to the truth of the above written return.

It is further enacted by this Assembly and the authority thereof, That this return above written is allowed of, and that record be made thereof as the dividing line between the said townships of Kingstown and Greenwich, without any reference to property or title of soil, only as to jurisdiction of township.

Voted, That the Acts of this Assembly be published forthwith, by beat of drum, at the Collony House, under the Seal of the Collony; and the Recorder send forth copies to each town in the Collony, within twelve days after the dissolution of this Assembly, and to be allowed three shillings for each copy; to be paid out of the Generall Treasury; and the Assembly is dissolved.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Providence, the 30th day of October, 1706.

Coll. Samuell Cranston, Governor.

Lieut. Walter Clarke, Deputy Governor.

ASSISTANTS.

Major Nath'll Coddington,

Major William Wanton,

Major William Hopkins,

Mr. Joseph Williams,

Mr. George Brownell,

Mr. Thomas Cornell,

Mr. Randall Holden,

Mr. Richard Greene.

Capt'n Jeoffrey Champlin.

Capt'n John Eldredge.

October the 31st.

Both Houses called, and resolved into a Committee to re-

ceive the appeal of Samuëll Wait, plaintiff, on an appeal from the Court of Trialls, held in Newport, the first Tuesday in September last past, in an action of trespass and ejectment against Abraham Anthony, defendant; and both plaintiff and defendant being called, they appeared, and no reasons of appeal being entered in the Recorder's office by the plaintiff, as by law required, it is the opinion of both Houses that there is nothing in said case cognizable before them.

An Act for stating two fairs annually in the town of Portsmouth.

Whereas, the severall Deputies for the town of Portsmouth, on Rhode Island, by their address, did represent to this Assembly the great benefit and advantage that might accrue, not only to said town, but also to other places for the settling and levying a fair, to be kept twice a year in said town:

Upon consideration thereof, it is enacted by the Honorable the Governor and Assistants, with the House of Representatives convened in Generall Assembly, and it is enacted by the authority thereof, That from and after the publication of this said Act, there shall be kept annually within the said town of Portsmouth, two fairs; the first to begin the last Tuesday in May, annually. And the other on the first Tuesday in November, annually. And each fair to be kept three days.

And it is further enacted, That the town of Portsmouth in their town meeting, shall appoint the place where each fair shall be kept.

And whereas, there has been some difference between Mr. Gideon Crawford, and Mr. Daniell Williams, of the town of Providence, about a highway in said town, between the lands or lots of said Mr. Daniell Williams and Nicholas Power, and do find that said highway hath of a long time by order of the proprietors of said town, been kept fenced:

It is therefore ordered and enacted by this Assembly, That the aforesaid highway shall be a highway for all her Majesty's subjects freely to pass and repass with horse-carts, or waines, or otherwise, as they may have occasion. Notwithstanding we do allow and permit that each end of said highway, shall, or

may be fenced, leaving convenient gates or bars for travellers as aforesaid, untill the proprietors of the field shall see cause to order it otherwise.

Whereas, it hath been represented to this Assembly, that there are severall persons settled in the Narragansett country, to the westward of East Greenwich, that are not settled under any jurisdiction as to township; this Assembly having considered the same:

Do enact as followeth, That after a due west line is extended from the south line of Greenwich to the Collony's west boundary, that all the inhabitants to the northward of that line to Warwick south line, shall be under the jurisdiction of East Greenwich untill further order. And all the inhabitants to the southward of that line to Westerly north bounds, shall be under the jurisdiction of Kingstown, till otherwise ordered by Act of Assembly.

An Act to allow Thomas Whipple, of the town of Providence, a review upon an action some years past, between him, the said Resolved Waterman, and said Whipple.

Whereas, Resolved Waterman, of the town of Providence, was by said town, chosen to the office of a Town Sergeant, but refused to give his engagement to said office, whereupon he made himself liable to pay a fine of twenty shillings; and he refusing to pay the said fine, the then Magistrates viz.: Mr. Joseph Williams, and Major William Hopkins, issued forth a warrant to Mr. Thomas Whipple, of said Providence, whom they constituted a Speciall Sergeant, to distrain on the estate of the said Resolved Waterman, and from him to take the said fine; the which, the said Thomas Whipple accordingly did. Whereupon, the said Resolved Waterman took out a writ and arrested the said Sergeant Thomas Whipple, and prosecuted his suit against said Thomas Whipple unto judgment, at a Court of Trialls, held for the Collony, at Newport, the last Tuesday in March, 1701. But verdict of jury and judgment of Court was against the said Thomas Whipple, defendant, with very great damages. And whereas, there is a law extant in the Collony, which allows of a review, when a person is cast in

his action, the which review ought to be entered in a certain time. And whereas, the said Thomas Whipple relapsed the time of entering his review; whereupon execution went forth against him to his very great damage, he being a man of but mean estate, and he judging of himself to be very greatly wronged by said prosecution. Whereupon for relief he addressed himself to the Generall Assembly; the which address hath been referred from one Assembly to another, and now brought before this Assembly. And whereas, it is very requisite that reviews unto actions should be entered within the time, as the law requires; yet as matters may be circumstanced, we conceive it cannot be prejudicial nor any impediment unto the said law, to grant a person a review of his action, by a particular and speciall order from the Assembly. For if the person do review in time, as the law requires, he could but have his triall; and if by a speciall order, he do review it, it will be no more but a triall, as a triall is a triall, whether the review be entered in season, or by a speciall grant, and the law allows either plaintiff or defendant two trialls in one case, if he see cause; the which, if he be abridged of, he will be deprived of the benefit which the law affords for relief. And forasmuch as the said Thomas Whipple conceives himself greatly wronged by that triall, which hath already been, and humbly implores the Assembly for relief in the case, that he may have a review of his action to him granted:

Be it therefore enacted by this present Assembly and the authority thereof, and it is hereby enacted, That the aforesaid action between the said Resolved Waterman, plaintiff, and the said Thos. Whipple, defendant, shall by virtue of this Act, be reviewed, and have another triall upon the same process as the former triall was brought to judgment; and shall be as if a review had been entered in season. And yet this speciall order shall no way impair nor weaken the force of the law for entry of reviews within the time by the law appointed; and that the said triall shall be at the Court of Trialls to be held at Newport, the last Tuesday in March next.

I, Simon Smith, being a Deputy at the Generall Assembly,

at Providence, the last Wednesday in October, 1706, do dissent against the Act that gives Thomas Whipple [the] priviledge to review upon a case against Resolved Waterman, for that he hath relapsed the time to put in his review according to the law of this Collony.

Whereas, John Weeks, and Anthony Low, Constables for the town of Warwick, in the year 1704, received a warrant from the Generall Treasurer to gather in the rates of said town according to the rate bills, and in said rate bill there were severall persons rated, which were in controversy between the town of Providence and Warwick, and there being a Prohibition forbidding the said Constables of Warwick to gather any rates there; and whereas, there is an execution out against said Constables for the money which they say they could not gather by reason of said Prohibition; and do pray that execution may be stopped till the next Assembly. The which petition is granted, that execution shall be stopped till the next Assembly.

And it is further enacted, That the Acts of this Assembly be copied out by the Sheriff, who is Clerk of the House of Magistrates, and published by beat of drum, in the town of Newport, within ten days after the dissolution of this Assembly; and that the copies thereof be sent within twenty days after the dissolution of this Assembly, under the Seal of the Collony, to each town in this Collony; and the Clerk to have six shillings for each copy.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations, at Portsmouth, May the 5th, 1691..*

John Easton, Governor.

Major John Greene, Deputy Governor.

ASSISTANTS.

Mr. Edward Thurston,
Mr. Caleb Carr,
Mr. Benedict Arnold,
Mr. Stephen Arnold,
Mr. Joseph Jenks,

Lieut. John Dexter,
Mr. John Coggsball,
Mr. Isaac Lawton,
Mr. Benjamin Smith.

DEPUTIES.

For Newport.

Mr. Jonathan Holmes,
Mr. Phillip Smith,
Mr. James Barker, Jun'r,
Mr. John Easton, Jun'r,
Mr. Nowell Mew,
Mr. Lawrence Turner.

For Providence.

Mr. Thomas Harris,
Mr. Samuel Whipple,
Mr. Thomas Fenner,
Mr. Joseph Jenks, Jun'r.

For Portsmouth.

Mr. Henry Brightman,
Mr. Latham Clarke,
Mr. William Coggsball,
Mr. John Keese.

For Warwick.

Mr. Randall Holden,
Mr. Samuel Gorton,
Mr. Israel Arnold,
Mr. Peter Greene.

For Westerly.

Mr. Henry Hall,
Capt'n William Champlin.

RECORDER.

Mr. Weston Clarke.

GENERAL SERGEANT.

Mr. Thomas Frye.

GENERAL TREASURER.

Mr. John Holmes.

GENERAL ATTORNEY.

Mr. John Pocock.

The Governor chosen Moderator of the Assembly.

The Recorder chosen Clerk of the Assembly.

* The Journals of the General Assembly of the sessions of May and June 1691, are not among the archives of the State, and do not appear in their proper place in this volume. After printing the proceedings for the year 1691, these Journals were discovered among the documents in Mr. John Carter Brown's Collection, copied from the State Paper Office, London; the originals of which, as it appears, having been sent to England by the Earl of Bellomont.

John Bayly, William Barker, Charles Tillinghast, of Newport; John Smith Miller, and Benjamin Herrington, of Providence; all the above named are admitted freemen of the Collony.

Voted, That this Assembly be dissolved.

At a General Assembly for their Majesties' Collony of Rhode Island and Providence Plantations, in New England, the 6th day of May, 1691, in Portsmouth, on said Rhode Island, for the Election of General Officers for the said Collony, at the house of Wm. Earle, it being removed from Newport, by reason of the distemper.

John Easton, Esq'r, Governor, chosen Moderator.

The Recorder, Weston Clarke, chosen Clerk of the Assembly, untill another be chosen.

The severall Deputies sitting in the precedent Assembly, were elected to seat[s] in this Assembly also.

Benedict Arnold, Assistant, is ordered to open the proxies.

James Barker, Jun'r, and John Easton, Jun'r, Deputies, ordered to receive the votes.

So the Election proceeded.

The following persons were chosen, and severally engaged.

GOVERNOR.

John Easton, Esq'r.

DEPUTY GOVERNOR.

Major John Greene.

ASSISTANTS.

Edward Thurston,

Caleb Carr,

Benedict Arnold,

John Easton, Jun'r,

Joseph Jenks,

Stephen Arnold,

Edward Smith,

Henry Brightman,

Robert Lawton,

Benjamin Smith.

RECORDER.

John Coggshall.

GENERAL SERGEANT.

Charles Tillinghast.

GENERAL TREASURER.

John Holmes.

GENERAL ATTORNEY.

John Pocock.

MAJOR FOR THE ISLAND.

Roger Golding.

MAJOR FOR THE MAIN.

John Greene.

Whereas, the Governor has received a letter from Governor Slaughter, of New York, and desires answer:

Voted, That Major John Greene is desired and empowered to draw up a letter to send unto said Gov'r Slaughter, in answer to his letter, and present it to the Assembly, to have the view of it. At the return of Major Greene, his draft being by the Assembly perused, and is by the same approved of.

Voted, That it shall be sent to Governor Slaughter, aforesaid.

Voted, That for the late £300 levy, the Governor and Assistants of the Islands have hereby power to audit the accounts concerning the charge that this Colony hath lately been at, and have hereby power to dispose of all the rate money that is assessed on the inhabitants of the Islands in this Collony; and that the Deputy Governor and the Assistants on the main land have hereby power to audit the accounts on the main land, and to dispose of the rate money that is assessed on the inhabitants there. And for the defraying the charge that this Colony hath been lately at in the wars against the French and Indian enemies.

Voted, That this Assembly is adjourned until the 23d day of June next; and then to meet again at the house of William Earle, in Portsmouth; except the Governor sees cause to meet sooner, if urgent occasion should present.

Proceedings of the Generall Assembly held for the Collony of Rhode Island and Providence Plantations at Portsmouth, the 23d day of June, 1691.

Mr. John Easton, Governor.

The Recorder, Clerk of the Assembly.

According unto the adjournment above declared, the Assembly met again at the house of William Earle, the 23d day of June, aforesaid.

The Governor Moderator.

The Court called and sat.

Where severall things being discoursed of, yet made nothing bear, but removing the Court as followeth:

Voted, That this Assembly is adjourned and moved from the house of William Earle, and to meet at the Court House, in Newport, at eight of the clock, in the morning, the 24th of this instant.

June the 24th.

The Assembly met and called the day abovesaid.

The Recorder Clerk of the Assembly.

Voted, That Benedict Arnold, Assistant. Joseph Jenks, Assistant, Henry Brightman, Assistant, Capt'n Jonathan Holmes, and Peter Greene, Deputies, are ordered and empowered to go unto the late Recorder, Weston Clarke, and to make demand of him for the Generall Records belonging to this Collony, and to receive them of him, and all other writings and papers that are in his hands, that concern the Court or Collony affairs.

The return of the five persons abovesaid is, that Weston Clarke, late Recorder, was not willing to deliver the Records, and the like, except he was paid, or that some particular person would engage to pay him ———; whereby the Court was put to a non plus-h, for want of the Records, and such other writings as belonged to

them, which raised much dissatisfaction in the Court, and caused a demur; so that although the late Recorder, Weston Clarke, might challenge the Records to be in his custody a month after the dissolution of the Assembly; yet it doth not appear that he had liberty to detain them from the Court upon an adjournment, while yet in being; neither to detain them upon the account of uncertain debt; but to indulge him, the Court appointed an audit, as followeth.

The 25th 4m. June, 1691.

The Governor and rest of the Assembly being met at the usual place, the Recorder, for some dissatisfaction, was not in town; so one of the Assistants was desired to call the Court, and being set:

Voted, That John Easton, Assistant, is by this Assembly authorized to officiate as Clerk of the Assembly in the Recorder's absence.

Voted, That Joseph Jenks, Benjamin Smith, Henry Brightman, and Phillip Smith, or any three of them, are ordered and empowered to audit the accounts of the late Recorder, Weston Clarke, and make their return to this Assembly.

The return of the said audit, or persons whose names are hereunder written, is: that they have audited the accounts of the said Weston Clarke, and find and agree for the Colony to be indebted to him, the said Weston Clarke, the sum of eight pounds. As witness their hands.

JOSEPH JENKS, Asssistant.

BENJAMIN SMITH, "

PHILLIP SMITH, Deputy.

So the said late Recorder, Weston Clarke, being better encouraged of having his debt, and therefore promises the Court shall have what Records or other writings belonging to them, that they desire, provided the Governor will secure them while he speaks further with him, &c. Whereupon they send for what they have occasion of, and had them.

Voted, That Major John Greene, Deputy Governor, is desired and empowered to draw up a letter in way of an address, to send unto their Majesties; and also to draw up a letter to send unto the Governor of New York, in answer to his second letter, and present them to the Assembly, to have the view or hearing of them.

Upon the return of the Deputy Governor his drafts, being read in the Assembly, and both which having been perused:

Voted, The Assembly approves of them, and orders them to be fairly transcribed, especially that to their Majesties; and to be sent with all expedition, as above premised.

In answer to the petition and remonstrance of Major John Greene, Deputy Governor, and Benjamin Smith, Assistant:

The Assembly having seen the copy of the list of the town officers of the town of Warwick, chosen by themselves, and six other freemen, on the 1st day of June last past, being the Election day appointed by this Collony:

Voted, That this Assembly do declare the said officers to be legally chosen; as also the military officers, that are returned by Major John Greene, to this Assembly, are approved of.

The Town and Train Band of Portsmouth, on Rhode Island, having elected their officers, yet complaint was made to this Assembly, that Portsmouth was very weak as to a method of keeping the peace, having no Constables engaged, although

elected, as aforesaid; as also their military out of a method of defence, having no commissioned officer certain.

The Assembly taking the matter into consideration, did labor and spend some time by endeavoring to bring them into a better method. Whereupon, by order, most of the said Portsmouth Constables appeared before the Assembly, who pressed for the said Constables to take their engagement. Whereupon, one was brought to take his engagement, so that he might not be incumbered with former rates.

The other of said Constables of Portsmouth, refused to officiate, where the Assembly leaves them to the authority to be proceeded with, according to the direction of the law in that case provided.

And as to the military officers, the Assembly prevailing with the Capt'n Al: to take his place, provided the government would so order it, that some of his Company might in some measure be dealt with according to the merit of their offence.

The Lieut. Cook chose by the Assembly, accepted his place, and bath a commission. So for the future rectifying such military defects, the Assembly hath enacted as follows :

Forasmuch as this Colony is in great danger to be surprized by French privateers, and such like danger, and severall towns in this Colony are defective of military officers, and out of a posture of defence :

Voted, That therefore it is ordered by this Assembly and the authority thereof, That the two Majors, viz. : Major Golding, and Major John Greene, are fully empowered, in their respective or severall precincts, to appoint such military officers as are needfull, especially where any Town or Company are defective, and settle the militia to all intents and purposes as effectually as if done by this Assembly; and this to be and remain while further order.

Whereas, a dispute hath arisen what may be deemed to be a Regimental Court Martial :

Voted, That this Assembly do declare that according to the Constitution of this Colony, the two Majors, viz. : the Major of the Islands, and the respective commissioned officers under him are a regiment; and the Major of the main land, and the respective commissioned officers under him, are a regiment; and the major part of each are a Court Martial, and are so be esteemed by order of this Assembly.

Forasmuch as it doth appear that this Colony, especially this Island, are in great danger of an assault by the enemy, and the former fine for not watching and warding, being but eighteen pence, and the Captains complaining to this Assembly that the fine being so small that the watches were neglected: therefore, the Assembly by much importunance of the Captains, doth enforce.

Voted, That whereas, the fine for not watching and warding, used to be eighteen pence, is for the future, especially in war time, to be two shillings, six pence.

Forasmuch as the town of Kingstown do wholly neglect to choose Constables, or any officers, whereby the free course of justice is stopped :

Voted, That therefore be it enacted by this Assembly and the authority thereof, That Capt'n Andrew Edmons is appointed to be Specail Constable throughout the main land in this Colony, for the year ensuing, or untill further order.

Voted, That by the authority of this Assembly it is ordered, That the Newport township have full power to build a turret upon the Court House in Newport, for a prospect, and to hang the bell in. And that the said township have liberty also to build a leantco, or some other convenient addition, on the east side of said Court House.

Voted, That Jos. Jenks, Assistant, Benj. Smith, Assistant, Henry Brightman, Assistant, and Philip Smith, or any three of them, are ordered and empowered to audit the accounts of the Gen'll Treasurer, John Holmes, concerning all the money and wool that was received of John Woodenman (late Treasurer in Sir Edmund Andros's time), the principal of which money and the like, was for the finishing the Court House in Newport; and Magistrate Carr and Treasurer Holmes being by a precedent Assembly ordered and empowered to have the oversight of the furnishing said House, as also to audit the accounts of any other person or persons that have made or had any orderly disbursements, or otherwise, that the Collony may duly appear indebted as concerning the said Court House, and so make their return to this Assembly.

We, whose names are under-written, being appointed by this Assembly, to audit the accounts of the Treasurer, John Holmes, concerning all the money and wool that was received of John Woodenman (late Treasurer in Sir Edmund Andros's time), and delivered into the hands of John Holmes, Generall Treasurer, for the finishing of the Court House, and other disbursements, we find due to the Collony one pound, nineteen shillings.

As witness our hands, 27, 4m., June, 1691.

JOSEPH JENKS, Assistant.
BENJAMIN SMITH, "
PHILIP SMITH.

Voted, That the return of the audit, whose names are hereunto subscribed, is approved of by this Assembly. As attest,

JOHN EASTON, Deputy Clerk of the Assembly.

It appears also to the audit, and this Assembly, that there is due to Andrew Wil-
lit, forty-four shillings, for fifteen hundred of clapboards of his, used by order on the Court House; and also due to Thomas Star, twenty shillings, for his being disappointed by his not having stuff ready in season, something of which [was] promised by a precedent Assembly.

Voted, That Benedict Arnold, Assistant, is desired and appointed, with all speed to go to Boston, and take our address to their Majesties with him, and take a course for a safe and speedy conveyance of it to their Majesties, and shall be allowed twelve shillings for his care and travell therein.

Voted, That for the encouragement of Major John Greene, for drawing up an address to their Majesties, for drawing up a letter to the Governor of New York, and transcribing it, for writing six commissions, and setting the seals to them for the military officers on the main land, shall be paid ten shillings by the Generall Treasurer, John Holmes.

Voted, That this Assembly doth order their Acts to be forthwith drawn up fair and published under the Seal of the Collony, by the Deputy Clerk, by beat of drum; and that each town paying four shillings a copy for them, they shall have them if they desire it; and the Deputy Clerk shall have for the original copy and attending this Court, ten shillings, paid out of the Generall Treasury.

Voted, That this Assembly is dissolved.

Attest, JOHN EASTON, Clerk of the Assembly.

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